ELECTIONS



nd aftermath

A Political Appraisal

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The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government.

Thomas Jefferson.

When an end is lawful and obligatory, the indispensable means to it are also lawful and obligatory.

Abraham Lincoln.

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INTRODUCTION

Power tends to corrupt, and absolute power corrupts absolutely. Great men are almost always bad men... There is no worse heresy than that the office sanctifies the holder of it.

John Emerich Acton.

Never had the Pakistani nation tasted so deep of the dregs of anger, frustration and sense of loss, than on that fateful day on which the surrender of Dacca was announced in 1971.

It was a time of despair and grief. At no time since the Muslims of the sub-continent became a free and sovereign nation, had their morale been so low.

Under the circumstances, the then President of Pakistan, the late Gen. Agha Mohammad Yahya Khan, summoned Z.A. Bhutto back from New York, where he had gone to plead the country's case in the UN, in respect of the Indian aggression in East Pakistan, to take over the reigns of government.

The decision had, no doubt, been influenced by the fact that Bhutto's Peoples Party had won a landslide victory in the 1970 elections in the western and only remaining wing of the country.

At the time, Bhutto extended eloquent assurances of reviving and reconstituting civilian political institutions. And, in a (in retrospect) ludicrous contradiction in terms, of never again permitting this country to be governed by Martial Law. Z.A. Bhutto was the only civilian Chief Martial Law Administrator this country has ever had!

In his first address to the nation, he said, in part: "...We have to rebuild democratic institutions ...we have to make our government accountable... I will not like to see the nation under the capricious will of any individual..."

The corrupting postulates of power had a magnetic and fateful attraction for Bhutto and his more illustrious prede-

cessors. Power corrupts, as the well known saying goes, absolute power corrupts absolutely. Almost from the moment that he tasted power there seemed to have occurred a curious transformation that the public protestations of liberal ideals and creeds, of freedom and democracy, only served to screen the inner convictions that were those of a feudal chief of the medieval times, with no real concern for the needs, values and aspirations of the people.

Political mobilisation of the people was deliberately discouraged, the ruling Pakistan People's Party was strengthened on the pattern of a fascist organisation intent on eliminating all opposition, decimating all dissent. Within the party it was personal loyalty to the chairman that was assiduously cultivated.

The official machinery, already vastly politicised right from the time of Malik Ghulam Mohammad, the first bureaucrat who took over as the Governor General, civil servants became directly involved in harassment, persecution and murder of political opponents at the behest of men in power. Some of the killings were so cold-blooded that the victims were taken out of jails or from police custody, declared as absconders and then eliminated.

No attempt was made to change the modus operandi of the official machinery and it retained status quo. Apparently, for the type of administration Bhutto wanted to run, the existing set-up and training of personnel was ideal.

In fact political terrorisation and assassination reached the zenith during the Bhutto regime when civil security forces were blatantly and openly used to ambush political opponents in broad daylight to say nothing of nocturnal forays.

In the most widely reported of such cases, a full bench of the Lahore High Court held Zulfikar Ali Bhutto and four officers of the para-military Federal Security Force, established by Bhutto himself, guilty of the murder of the father of a PPP dissident, and sentenced them to death. The judgement was upheld by the Supreme Court of Pakistan.

Contrary to the myth that still persists, neither Bhutto nor the PPP led the massive protests that ousted Field

Marshal Ayub Khan the PPP was, in fact, more a creature of the protests than its creator. The Party's assumption of power in 1971 had also been engineered by a novel twist of the democratic principle of majority rule.

Constitutional principles flowing from the ideology of Pakistan (One Nation, One Country) and political morality militated against the concept evolved and sold to the all too susceptible interim regime of General Agha Mohammad Yahya Khan. It was that since the PPP had polled a majority of votes in the western wing of the country, and the Awami League of Sheikh Mujibur Rahman in the east, the military regime could only transfer power to both of them in accordance with their electoral showing in either part of the country and not to the one which scored a majority in the country as a whole. In effect it meant breaking up into two pieces of real estate what had been created as a unique ideological state by the united will of South Asian Muslims under the inspiring leadership of Quaid-e-Azam Mohammed Ali Jinnah.

Bhutto was a man of many parts. He had brilliance; charisma and a percipient understanding of the world of real-politik. In the beginning he seemed to be the nation's man of crisis whom the workings of fate had drawn into an unforeseen destiny. The moment of his arrival on the national scene called for an extraordinary capacity to accept the harsh facts of the national situation and respond to them in a manner so as to restore national confidence and raise the people's morale, besides refurbishing the country's image abroad.

The Simla Agreement, reflecting the imperatives to strive for an environment of peace in the subcontinent; the adoption of a Constitution based on broad national consensus after more than a quarter century of fitful experimentation, the reinforcement of closer links and mutual cooperation with Muslim neighbours and the People's Republic of China - these stand out as major achievements projecting a new vision of the future for the country just emerged from the traumatic experience of dismemberment.

One should have thought that Bhutto's political genius would further blossom with the accumulation of skill over the years in office as Ayub Khan's Foreign Minister. But as Goethe said: "Nothing is more difficult to endure than a

thousand days of good fortune." Mr. Bhutto appeared to be at the zenith of his popularity and power at the time of the Second Islamic Summit in Lahore on February 22. From then on there was a steady sliding downhill.

Ill-conceived doctrinaire economic policies inexorably pushed the country to the verge of ruin, while intolerance of dissent led the regime to the prostitution of the rule of law and violation of human rights. The leader who had pledged his politics to the restoration of freedom, truth and human dignity was all but lost in the reckless pursuit of pou voir personal. The power, prestige and personal image of the Prime Minister and Party Chairman became the navigating star for the entire administration. The distinction between public servants and party fuctionaries was "blurred to the vanishing point". Unlawful and/or culpable transactions became rampant in all spheres of administration. As the following pages will show, the reckoning had to come, and when it did the Prime Minister who had been all along insulated from the truth found the crisis too much even for such a one as himself.

Sir Karl Popper once called the "paradox of democracy" the fact that "democracy can democratically reject itself and opt for dictatorship". That happened in Pakistan, and it fell to the lot of an army commander to try to repair the ravages and reconstruct a more enduring base for the restoration of democracy and a reversion to the Islamic way of life as a panacea for the ills plaguing the country.

CHAPTER I

A MONUMENTAL HOAX

But I do nothing upon myself, and yet I am my own executioner.

John Donne.

It was on January 7, 1977, that the Prime Minister advised the President to dissolve the National Assembly on January 10 and hold the general elections on March 7, 1977, to be followed by elections to the four provincial assemblies on March 10, 1977. Under the Constitution (promulgated on August 14, 1973), the general elections were due after five years on August 14, 1978, and they could have been further postponed for another year under Clause 6, Article 232 of the Constitution, since the Proclamation of Emergency issued by Bhutto's predecessor, General Yahya Khan, on November 23, 1971 was still in force. The Prime Minister, however, decided the time was opportune to "go to the people for a fresh mandate".

The White Paper issued by the present Government on the "Conduct of the General Elections in March 1977" has made the point that the Prime Minister thus gave the Opposition barely two months to prepare for the electoral contest, while he himself "had been preparing for the general elections since 1974... perhaps it is the privilege of a government in power to always take its opponents by surprise in the matter of elections. But opinions may differ in regard to a three-year lead in the matter of quiet preparations". However, that may be, with the announcement of the election schedule the battlelines were immediately and firmly drawn.

After the surrender of the East Wing of the country in 1971, there was no option for Gen. Yahya Khan but to hand over power to Bhutto's People's Party as it had secured 81 of the 138 seats to the National Assembly from the four provinces of the West Wing, in the 1970 General Elections.

In fact, the PPP had secured less than 28 per cent of the popular vote but, because of the proliferation of older political parties opposing it the votes were split and the People's Party managed to achieve a commanding position in the National Assembly of what remained of Pakistan.

In 1977, though all the opposition parties and groups were still deeply divided among themselves, the years of wilderness and the experience of the PPP's five-year rule, in which they had been harried and hounded, united them on one point: their abhorrence of the Prime Minister's style of government. Doctrinal divisions, philosophical doubts and personal antipathies were all submerged for the time being to present a united electoral front. Nine of the parties closed ranks and announced on January 11, 1977, the formation of a combined opposition, called the Pakistan National Alliance (PNA).

The PNA included in its fold the entire range of the political spectrum from the orthodox right to the radical left. These were: 1) the Jamaat-e-Islami, an Islamic fundamentalist organisation, founded by the late Syed Abul A'la Maudoodi, who remained to the end its leading light, but the Jamaat was headed by Mian Tufail Mohammad; 2) the Jamiatul Ulema-i-Islam, a body of Muslim theologians, an independent offshoot of the jamiatul Ulema-i-Hind founded by the divines of Deoband in pre-partition India; 3) the Jamiatul Ulema-i-Pakistan, headed by Maulana Shah Ahmad Noorani - a rival body of religious scholars (the first-named beloging to the Deoband school and the second to the

Note:— *It will be recalled that in the concluding stages of the East Pakistan tragedy, Gen. Yahya Khan had indicated Bhutto as the Foreign Minister of the country and sent him to the United Nations to present Pakistan's case.

It is common knowledge how Bhutto wasted four crucial days at that critical juncture by confining himself to his hotel room to nurse a common cold.

Thereafter, he threw a tantrum in the UN Security Council and tore up the Polish resolution which had proposed an immediate ceasfire in East Pakistan.

Knowledgeable observers of the international political scene are on record as having opined that had the Polish resolution been adopted, there would have been no debacle in East Pakistan.

Barelvi school of Sunni Muslim thought); 4) the Tehrik-e-Istaqlal, a middle of the road party founded by retired Air Marshal Asghar Khan, former Commander-in-Chief of the Pakistan Air Force; 5) the Muslim League, comprising some of the reassembled factions of the organisation under whose banner Quaid-e-Azam Mohammad Ali Jinnah had led the Pakistan Movement; 6) the Pakistan Democratic Party, led by Nawabzada Nasrullah Khan - a rightist faction of no great consequence, apart from the engaging personality of its President, a veteran of many a political palaver; 7) the national democratic party which was the new name of the National Awami Party (NAP) after the latter was banned by the Bhutto Government. N. A. P. leaders, including Khan Abdul Wali Khan, who had been Leader of the Opposition in the National Assembly, were at the time, being tried for treason by a special tribunal sitting in Hyderabad jail 8) the Khaksar Tehrik, a volunteer corps founded in the thirties by Allama Inayatullah Mashriqi, a former member of the Indian Education Service; it had been all but forgotten during the decades of freedom but reactivated in 1977. and 9) the Muslim Conference, a rightist party of Azad Kashmir (the part of the disputed Jammu & Kashmir territory under the control of Pakistan). The Muslim Conference was led by the former President of Azad Kashmir, Sardar Abdul Qayyum, who had been removed from office by Bhutto.

The PPP had formally started its election campaign from a meeting in Liaqat Bagh, Rawalpindi, addressed by Bhutto on January 23, 1977. Before this on January 21 he had been declared elected unopposed from his home town constituency of Larkana (Sind). This was to be later called in question on the charge that the Jamaat-e-Islami leader, Maulana Jan Mohammad Abbasi, who went to file his nomination papers to oppose Bhutto was kidnapped by the local police and the district administration thus prevented him filing his nomination papers.

Bhutto claimed that his five-year performance in office included positive achievements in both domestic and foreign affairs and he was entitled to a fresh mandate from the people for completing some of the unfinished tasks. The PNA started its election campaign from a meeting in Nishtar Park, Karachi, and then moved on to other cities and towns, attracting mammoth crowds at its rallies and meetings.

The PNA's main plan was the introduction of Nizam-e-Mustafa and the charge that the PPP's rule had been a reign of terror and one of gross mismanagement of the country's resources, resulting in a mounting national debt. A recurring refrain in the PNA's charges against Bhutto was the insinuation that he was chiefly responsible for the dismemberment of Pakistan - by his refusal to accept the freely expressed will of the people (clear majority for Sheikh Mujib's Awami League in the National Assembly elections of 1970) and by advising General Yahya Khan to launch an army action in East Pakistan, as well as his behaviour at the Security Council meeting, which considered the Polish resolution for a cease-fire in East Pakistan.

As the electioneering gained momentum, it bristled with acrimonious attacks, accusations and counter-accusations that now and then degenerated into vile abuse and character assassination. So spectacular was the groundswell of opposition and so massive the turnouts at PNA meetings that some of its leaders started saying that the people had already given a verdict in their favour and that the elections on March 7 would only formalise this verdict.

As it turned out the second general elections, which were expected to further the democratic process, produced instead a grave political crisis, which had the whole country on the edge of an abyss for months. Instead of a stable government reflecting the will of the people, the immediate outcome of the polling was the confirmation of the old regime in power, while accusations rang fast and furious that a massive fraud had been perpetrated on the people, and that the discredited regime was clinging to power against the verdict of the people.

The score board in the 200-member directly elected National Assembly was:

PPP (Pakistan People's Party)	:	155
PNA (Pakistan National Alliance)	:	36
Qayyum Muslim League	:	1
Independents	:	8
Total:		200

According to a survey carried out by the Government-owned Associated Press of Pakistan (APP) about 17 million persons, or about 55 per cent of the registered voters, cast their ballot. Out of this, the PPP polled about 10 million votes, and the PNA about six million. The PPP in other words secured 59 per cent, and the PNA 36 per cent of the votes cast.

Included in the PPP's bag were 14 seats won uncontested, including that of the then Prime Minister, Bhutto, from his constituency of Larkana in Sind. The Dawn, a leading English daily, described Bhutto's unopposed election as the people's "gesture of gratitude" and an "acknowledgement by the people of the quality of his political stewardship". Other papers were not far behind in fullsome editorial comments, and this was not surprising from a captive press that had been held on a tight leash throughout Bhutto's regime. But the people were soon to be told the truth about this and similar uncontested triumphs, as well as the enormity of the meticulously planned manipulations by Government functionaries at all levels to distort the general will and rake in a masssive majority in favour of the ruling PPP.

The PNA refused to accept the results and charged that the election was "massively rigged according to a calculated plan". This was stated by Mr. Rafiq Bajwa, Secretary General of the PNA at a press conference in Lahore on March 8. Simultaneously the PNA demanded:

1. the immediate resignation of the Prime Minister;
2. the replacement of the Chief Election Commissioner; and
3. holding of fresh elections "under the supervision of the judiciary and the army".

The PNA also decided to boycott the elections to the provincial assemblies scheduled for March 10.

The Prime Minister, in a press conference on March 8, vehemently denied that there had been any manipulation. He maintained that it was a genuine landslide victory for the PPP. He also said that elections to the provincial assemblies would be held on March 10 notwithstanding the PNA's decision to boycott them. He also warned that if the Opposi-

tion tried to stir up agitation on the streets, the Government was quite competent to deal with the situation.

In a press conference in Rawalpindi on March 8, Air Marshal Asghar Khan, President of the Tehrik-e-Istiqlal, affirmed that the boycott decision enjoyed the support of all components of the PNA. He gave a number of instances to show that there was large scale rigging. The PNA Chief, Late Maulana Mufti Mahmud, also expressed similar views at a press conference in Dera Ismail Khan. The Qayyum League founder, Khan Abdul Qayyum Khan, said in a statement that his party would also not contest the provincial assembly polls. In Karachi, at a joint press conference addressed by Sardar Sherbaz Mazari of the National Democratic Party, Professor Ghafoor Ahmad, Naib Amir, Jamaat-e-Islami, and Maulana Shah Ahmad Noorani, Head of the Jamiatul Ulema-e-Pakistan, all the speakers made similar announcements.

Khan Abdul Qayyum Khan complained in strong terms against the rigging of elections and cited cases of malpractices, harassment and intimidation of voters at various polling stations. He also stated that representations made to the Election Commission authorities had elicited no response.

On March 9, the PNA announced that all the nominees who had been elected to the National Assembly would resign from the Assembly in view of the failure of the Election Commission to hold free and fair elections. The Alliance called upon the people to stage a coutrywide strike on March 11. It demanded that Mr. Bhutto and the Election Commissioner should resign, a caretaker government formed and fresh elections held under the supervision of the Judiciary and the Army. The PNA warned that if these demands were not met, it would organise protest processions from March 14, which would continue till the objectives were achieved.

The strikes and the rallies that followed in all the major cities were a staggering demonstration of the popular will. As the movement gained momentum in spite of the brutal repression, so did the regime's resolve to cling to office even if it meant drowning the agitation in rivers of blood.

Some of Bhutto's aides reportedly talked of killing 20,000 people to crush the movement. As a research article

in the Pakistan Horizon (published by the Pakistan Institute of International Affairs) says, Mr. Ghulam Mustafa Khar (at the time Special Assistant to the Prime Minister and former Governor of Punjab) and Mr. Abdul Hafeez Pirzada (Minister for Education, Law and Parliamentary Affairs in Mr. Bhutto's Federal Cabinet) talked of killing Opposition leaders in a Cabinet meeting. At the same meeting a senior officer offered the gruesome suggestion that it would not matter much if 10 to 20 thousand people were killed to 'save the country'. (General Zia-ul-Haq, the Chief Martial Law Administrator, was to disclose the macabre proceedings of the meeting in an interview with the Lahore monthly, 'Urdu Digest', whose English version was published in Dawn, Karachi, on September 15, 1977).

CHAPTER II

MASSIVE RESPONSE

The PNA's strike call for March 11 produced a massive response in many of the major cities. In Karachi and Lahore the work stoppage was total. Even taxis, rickshaws and wagons were off the road. Strikers also tried to obstruct rail traffic at many places, and the army had to be called in to remove protesting squatters from the railway tracks.

After Friday prayers in Lahore and Rawalpindi, the PNA defied Section 144, and took out processions which were baton-charged by the police. Members of the Lahore High Court Bar Association boycotted court attendance and joined the processions. All the main business and shopping centres remained closed.

In Karachi, throughout the day there were clashes between the police and angry demonstrators. A procession starting from the Empress Market was to end at the Quaid-e-Azam's mausoleum. The Police and Federal Security Force (FSF) intervened en route and used tear gas and lathi charge to disperse it. In turn they got brickbats from the crowd. There were no cinema shows and air services were also suspended. According to PNA about a thousand people were arrested for defying Section 144. The official figure was 200.

In Multan, Hyderabad, Mirpur Khas and Bahawalpur, the strike call was also a great success.

In Peshawar, a number of people were injured in clashes between the police and the processionists. In the Kabuli Gate and Qissa Khwani Bazaar areas, police resorted to tear gas and firing in the air to disperse the crowds.

This was only the beginning of the civil disobedience movement, which spread rapidly throughout the country. On March 14, in Lahore, Air Marshal Asghar Khan, Malik Qasim, Mian Tufail Mohammad and Pir Pagaro led a large procession from Nila Gumbad mosque. In Rawalpindi, Maulana Abdus Sattar Niazi and Mian Mahmud Ali Qasuri led another procession, which was lathi-charged by the police and the two leaders were arrested.

In Lyallpur (now Faisalabad) and Multan, there were massive rallies in defiance of Section 144. In Multan the police dragged away many of the processionists, stripped them of all clothes and gave them merciless beatings. The next day the people caught hold of several policemen in retaliation and paraded them naked throughout the streets of the city.

In Peshawar, late Mufti Mahmud, the PNA Chief and Begum Nasim Wali Khan,Vice-President of the NDP,led a procession which was stopped at a point near Kutchery Gate. The two leaders were whisked away by the police to a bungalow in the Cantonment area, where they were detained but later let off.

Reports from Gujranwala, Khanewal, Dera Ismail Khan, Sahiwal, Sialkot, Jacobabad, Tharparker, Quetta, Bahawalpur, Bahawalnagar, Rahim Yar Khan, Dera Ghazi Khan and many other places told the same story: protest marches, defiance of Section 144 by the people; use of tear gas and lathi charge or firing in the air by the police -followed by arrests of many of the leaders under the Defence of Pakistan Rules (DPR).

On March 15, there was an angry demonstration outside the Masjid-i-Shuhada in Lahore. PNA leaders Messrs Habibullah Saadi and Mohammad Hussain Chatha were arrested and the crowd was tear-gased and lathi-charged. When many of them took shelter inside the mosque, the myrmidons of the law, acting like the regime's instruments of oppression, swooped in with their boots on and indiscriminately lathi-charged the assembly, tearing away at old men's beards,

hitting them right and left and dropping tear gas shells inside the sanctuary of the mosque.

In Multan, on the second day of defiance, the demonstrators attacked two police stations and set the record of one of them on fire. There was exchange of gunfire between the police and the protest marchers, in which a young man was killed and three others injured.

Processions, clashes with the police and arrests under DPR were also reported from Campbellpur, Jhelum, Faisalabad, Renala Khurd, Arifwala, Lodhran, Khanewal, Kot Adu, Muzaffargarh, Bahawalpur, Mardan, Dera Ismail Khan, Hyderabad, Peshawar and Quetta.

PNA leaders, Professor Ghafoor Ahmad and Sardar Sherbaz Mazari said at a press conference the next day that the massive demonstrations throughout the country ought to be enough to convince the Government that the entire nation was behind the PNA's demands and that brutal repression would not undermine their defiant spirit.

On March 16, outside the Lohari Gate mosque, Maulana Obaidullah Anwar courted arrest. On March 18, the Khatib of Data Sahib mosque exhorted the congregation that mosques, being places of worship, should not be made the venue of political agitation. When this enraged the people, the poor Khatib took out a piece of paper from his pocket and confessed that he was saying so at the express instructions of the Government contained in the letter addressed to him from the Department of Auqaf. Choudhri Rahmat Ali was arrested from the premises.

On March 23 (Pakistan Day - the anniversary of the historic Lahore Resolution demanding Pakistan), late Mufti Mahmud, Maulana Noorani and Malik Qasim were arrested from outside the Nila Gumbad mosque for defying Section 144. By the end of the third week of March, nearly all the top PNA leaders had been taken into custody to stem the tide of the widely spreading agitation.

On March 31 a number of ulema addressed the congregation after prayers at the Ek Minar Mosque, Lohari Gate. The plan was to take out a procession afterwards. When prohibiting orders were defied, the police lathi-charged the crowd. Here again the police violated the sanctity of the

mosque by soiling the prayer carpets with their dirty boots and manhandling those in the act of praying or preparing for prayers. Those with beards were special targets of police brutality, which left many with broken bones and bruised bodies, while the walls and floor of the mosque were spattered with blood.

On April 9, there were bloody clashes in Lahore, resulting in 18 deaths and injuries to many others. (According to the official press note, April 10, 1977, there were eight dead and 77 injured). This triggered off another wave of large scale demonstrations throughout the country, particularly in Karachi, Hyderabad, Faisalabad, Multan, Rawalpindi, Peshawar, Mardan and Quetta.

On April 11, the PNA called upon the people to refrain from paying taxes and duties and to withdraw their bank deposits, so as to paralyse the functioning of the Government. Karachi alone had by mid-April suffered a loss of Rs.1,000 million on account of stoppage of industrial production.

On April 12, the formation of Pakistan Labour Alliance a component of 20 labour organisations - and its subsequent rallies in major cities of Sind and Punjab thoroughly belied the PPP's claim of enjoying the support of labour.Similarly, rallies by women and students also put an end to the PPP's pretention of having them on its side because of what it called its progressive policies. (According to figures placed by the then Attorney-General, Mr. Yahya Bakhtiar, before the Supreme Court, there were 248 protest marches by women during the period March 14 to May 27, 1977).

CHAPTER III

BHUTTO'S REACTION

Bhutto's initial reaction was to fight the storm and debunk the Opposition's charge that his tidal wave election victory had been unabashedly rigged. "I'll be able to handle this", he told a foreign correspondent (Gavin Young), "I know my country".

On April 13 the Government lifted Section 144, with the objective of taking out its own supporters on the streets as a sort of countervailing mob. This led to a series of armed clashes between the PPP and PNA supporters, with the riotous mobs attacking, burning and looting public and private property. 300 branches of the nationalised banks were attacked, and 24 were set on fire. Numerous cinema houses, liquor shops, a nationalised truck assembly plant and a bus depot, in Karachi, were ransacked.

The situation worsened following PNA's successful "Payyah Jam (Stop-all-wheels)" strike on April 20. Consequently Karachi, Hyderabad and Lahore were placed under Martial Law. Troops were called out, and curfew was imposed on several cities and towns, such as Multan, Faisalabad, Sialkot, Bhalwal and Bahawalnagar. Almost all PNA spokesmen, not already rounded up, were now put behind bars, and news censorship which had been lifted only a few days earlier was reimposed.

While Government began to clamp down ruthlessly in suppressing the protest marches and demonstrations, it also offered to negotiate with the Opposition. The gravity of the situation was drawing not only the uncommitted sections of the population to the PNA's side, but had also affected the attitude of some PPP members, as was evident from the

resignation of some PPP stalwarts from the National and Provincial assemblies.

In a joint statement on April 16, Sardar Shaukat Hayat Khan and six members of the National Assembly from Punjab had demanded fresh elections. For being a party to such an outspoken demand, Sardar Shaukat was expelled from the PPP.

Government spokemen described the PNA's demands as "totally unconstitutional", but said the door was open for negotiations within the constitutional framework.

In a televised press conference, the Prime Minister's chief spokesman, Mr. Hafeez Pirzada, had said that the Opposition was trying to mislead the nation in its bid to avenge the defeat that it suffered in 1970 and again in 1977. He quoted Article 94 of the Constitution, which stipulated that even a Prime Minister who had resigned could not leave his office until a new Prime Minister had been elected and was in office. As for the Chief Election Commissioner and other members of the Election Commission, their tenure was protected by the Constitution in the same way as that of superior court judges. Mr. Pirzada said that only the Supreme Judicial Council could take action against the Election Commission's chairman and members, as was the case of superior court judges.

Earlier in a television address on March 12, the Prime Minister had invited PNA leaders for talks, and in a letter to late Mufti Mahmud, the PNA Chief, the next day, renewed the invitation. In his reply to the Prime Minister, dated March 14, the PNA chief said: "Your recent address from PTV and Radio was discussed in the meeting of heads of the constituent parties of the PNA. Keeping in view the larger interest of the nation, it was decided not to enter into a dialogue the terms of which are not clear. If you have any frèsh proposal, we will be happy to discuss it in our next meeting.

On March 18, a number of Opposition leaders were arrested, including Mr. Asghar Khan, Maulana Shah Ahmad Noorani, Mr. Mahmud Azam Farooqi, Mir Ali Ahmad Talpur, Sardar Sherbaz Mazari, Mian Mahmud Ali Qasuri and - a day later - Professor Ghafoor Ahmad.

The PNA movement of mass rallies continued, with throngs of cheering, chanting crowds vowing to defy the tainted unfairly elected and vicious regime.

On March 20, the Government released four Opposition leaders - Professor Ghafoor, Mr. Mazari, Maulana Noorani and Mr. Asghar Khan - to enable them to attend the meeting of the PNA council being convened by their chief, late Mufti Mahmud. A Government spokesman said that they were being released as a consequence of the correspondence exchanged between the Prime Minister and the PNA President. They were, however, rearrested soon after, besides many others from all parts of the country, including the PNA President, late Mufti Mahmud.

In a statement from Lahore, March 25, the acting President of the PNA, Nawabzada Nasrullah Khan expressed the determination that despite the arrest of the prominent leaders of the Alliance, the movement would continue peacefully throughout the country. He said that the Alliance would not be browbeaten by threats, and even if all the leaders were arrested, the workers would carry the movement to its logical conclusion.

Nawabzada Nasrullah said that the civilian government, which had decided to call out the Army in various big cities, should admit its failure to maintain law and order and resign forthwith.

As far as the Army was concerned, he said, the people considered it as a national army. He was sure that the Army would not give cause for any complaint, as the Police and the Federal Security Force had done.

Referring to the mass arrests, and repression, the PNA leaders said that the Government was sadly mistaken if it thought that the movement would come to an abrupt end. The demonstrations would continue until the demands were accepted. He paid tributes to the lawyers of Lahore who had taken out a large procession despite the arrest of their leaders.

Lawyers in Karachi and many other bar associations across the length and breadth of the country registered their strong protest at the electoral fraud and denounced the post-election policy of repression. Typical of the

sentiments and views of the country's lawyers was a resolution passed by the Income Tax Bar Association, Karachi, which said, in part:

> "This Association is of the considered view that the PPP care-taker government have committed malpractice and violence against PNA candidates, their polling agents and workers, and rigged the so-called elections to the National Assembly. It announced on radio and television bogus, fictitious and pre-planned election results even before the counting of ballot papers.
>
> "The Association views the post-election victimisation and illegal treatment of political opponents detrimental to the democratic life of the country. It called upon the Government to discontinue repression, oppression and victimisation against political opponents, so as to promote the cause of democracy and the rule of law in the country."

Meanwhile the Prime Minister, on March 28, had himself re-elected for another five years by the National Assembly by the 168 members present (155 being PPP men and rest from tribal areas and ten women). He ruled out the possibility of dissolving the National Assembly saying there was no political or moral justification for such a step.

In a letter addressed to the then President, Mr. Fazal Elahi Chaudhri, the PNA Chief had said that Mr. Bhutto and his cabinet had "demonstrated by the abuse of their official powers that they could not be trusted any longer with executive authority of the state" and that " the Election Commission had also shown itself to be incapable of discharging the responsibility given to it under the Constitution". It went on: "By rigging the general elections massively with the use of the powers of the state, for his personal interest, in violation of his oath of office, Mr. Bhutto created a situation fraught with the gravest dangers to the lives and property of the people and the loss of Pakistan". It added that the convening of the National Assembly consisting of persons who had been declared elected through a process "replete with patent fraud makes a mockery of the constitution". He therefore urged the President of Pakistan to exercise his "inherent constitutional powers with the utmost speed and order general elections under an impartial administration and through an Election Commission that had the

capability and authority to ensure honesty, justice and fairness in these elections".

The official position of the Bhutto Government was restated by the President of Pakistan, Mr. Fazal Elahi Chaudhry, in his reply to the PNA Chief. Mr. Fazal Elahi Chaudhri, who had earlier been Speaker of the National Assembly took over as President when Mr. Bhutto stepped down to become Prime Minister after the adoption of the Constitution on August 14, 1973. The President wrote: "The suggestion contained in it (the letter) is wholly contrary to the provisions of the Constitution of the Islamic Republic of Pakistan which I have made oath on and am honour-bound to preserve, protect and defend. Since the constitution was adopted with your participation and complete agreement, I am astonished that you should ask for its being side-tracked and subverted. The Prime Minister had not only offered you the course of an amicable dialogue but also taken all the necessary steps by way of legislation, to ensure that any grievance you might have, if genuine, be quickly redressed through the legal process".

The President's letter concluded: "The repudiation of this process, the rejection of the Prime Minister's fair offer and the disregard of the institutions of democracy can only cause needless suffering for the people of Pakistan. I would ask you to bear in mind that it was after more than a quarter century of political instability that the Constitution was framed and unanimously adopted by the directly elected representatives of the people. To bypass the Constitution would spell nothing but disaster and chaos".

It was becoming increasingly apparent that as the tempo of the countrywide protests grew, the regime - puzzled and worried - was scratching around for ways to fight back. The offer to negotiate, the invocation of constitutional proprieties and the shrill claims of popular backing were all part of a strategy of fighting back, which included both chicanery and repression. But the then Prime Minister and those surrounding him had not reckoned with the intensity and depth of popular resentment. As the "Guardian" said in a comment on April 24, 1977: "Violence - strikes, demonstrations, burnings, arrests and shootings - was on the cards as soon as election results showed a victory too good to be true. But no observer dreamed that a largely imprisoned Opposition could keep the bitter campaign going..."

The plain fact was that it was not the PPP's five-year record that could win them votes but an operation in which the administration too eager to please the boss had gone beyond its mandate and come up with a staggering victory which ended with a grave national crisis.

Mr. Bhutto tried to secure the high ground for a battle of wits by arguing that if he had tried to rig the elections, the PPP would not have fared so poorly in the key cities. In Karachi the ruling party got two seats, as against nine obtained by the PNA. In the North-West Frontier Province, the PPP fared even worse. Out of 34 seats the PNA bagged 17, the PPP eight, the Independents eight and the Qayyum League one.

Mr. Bhutto claimed "on his honour" that there had been no rigging "as a matter of government policy". He conceded, however, that there were electoral irregularities in some of the constituencies. For this, he said, legal remedies were available.

Soon after March 7 when charges of irregularities and malpractices had mushroomed, the Government had enacted a series of amendments to the existing laws in order to further empower the Election Commisssion to deal with a large variety and type of abuses. Some of the laws were amended on the Commission's suggestions.

On March 21, for instance, a Presidential ordinance invested the Commission with powers to hold summary inquiry into a contested election and to annul the results in that constituency if it was satisfied that such an election was vitiated by grave irregularities.

On March 30, the President promulgated another Ordinance conferring on the Commission the powers of an Election Tribunal while it was probing an election dispute. However, when the exercise of these additional powers by the Commission threatened to throw up damaging evidence, these powers were quickly rescinded.

On April 1, the Commission appointed eight election tribunals consisting of High Court judges to probe malpractices. The Chief Election Commissioner told a news conference on April 6 that his office would clear "all this mess" resulting from the elec ion within six weeks. He did

not quite know what he was heading for.

In the first instance the election of six PPP members to the National Assembly was declared null and void by the Election Commission because of "grave irregularities". The record of 20 other constituencies was also seized by the Commission for detailed investigation. The Chief Election Commissioner had said that if need be, he would probe the election of "all the 200" members elected to the National Assembly. He was to come upon an increasing number of elections vitiated by grave irregularities.

CHAPTER IV

THE MOVEMENT CONTINUES

On the ground, the events continued to build a menacing momentum of their own. By the end of April the number of casualties stood at 200, while the number of wounded and detained reached thousands. During the six weeks of disturbances there was an estimated 200 million dollars of destruction (Report in Guardian,April 24).

The imposition of Martial Law in the three cities of Lahore, Hyderabad and Karachi and curfew restrictions on other cities had led to a certain abatement in the fury of the agitation. But as Professsor Mehrunníssa Ali noted in a research paper contributed to the Pakistan Institute of International Affairs, "it failed to contain the movement. So strong was the popular resentment that army orders were often flouted.* Processions were taken out in defiance

Note:– *For instance, a PNA Procession proceeding from Zero Point (Islamabad) towards the Naval Headquarters was ordered by an Army officer to stop at a chalked line drawn across the road by him at a certain point, failing which his troops would open fire.

The procession advanced with grim determination whereat the officer retreated and drew another line across the road. This, too, was crossed by the demonstrators. The Army officer gave up the cause as lost and drove away in his jeep. The men of the Pakistan Army were not about to fire on their compatriots again, in order to uphold a thoroughly discredited regime.

of curfew restrictions. According to a press note five persons were shot dead in Karachi for violating curfew on April 22.

She continues, "A host of applications challenging the legality of local Martial Law and army orders were filed in the Sind and Lahore High Courts. which showed the reaction of the intelligentsia. Such was the offensive mood of the nation that it put the military on the defensive. They avoided direct clashes with the people. Police and FSF personnel were jeered at, but the sight of soldiers was not resented".

The Times, London, reported on May 13 that according to Opposition sources three Brigadiers who were sector commanders in Lahore resigned because of their disagreement with "shoot-to-kill" orders. Bhutto, however, denied this report.

At this stage of the crisis, Maulana Syed Abul A'la Maudoodi, founder of the Jamaat-e-Islami (now dead) offered his independent, non-partisan ideas for a just and honourable settlement.

Maulana Maudoodi expressed the view that if Mr. Bhutto invited the Opposition for an open and unconditional dialogue after having taken positive steps necessary for creating a congenial atmosphere for negotiations, the Opposition should agree to go the conference table without any preconditions.

His thinking was that the Opposition would be at liberty to raise any issue at the conference without making any compromise on principles.

In an exclusive interview with the correspondent of the newspaper, "Dawn", Karachi, Maulana Maudoodi said that at the proposed parleys each and every issue could be brought under discussion, and the modalities for the acceptance of the PNA's demands could also be worked out. "Even this issue could be raised at the conference table that Mr.Bhutto is no longer the Prime Minister".

Elaborating his viewpoint, Maulana Maudoodi said that the first point on the list of his suggestions was that Mr.

Bhutto should stop insisting on his claim that he had won a majority through an election that was free and fair. By "denying something which had been witnessed by millions of people throughout the country Mr. Bhutto cannot add anything to his stature", the venerated leader said.

Secondly, he said, Mr. Bhutto should stop suffering from any misunderstanding that the agitation was being whipped up by the Opposition. According to Maulana Maudoodi, the true position was that the people were unhappy with the Government - the same people who had been described as the source of all power by Mr. Bhutto himself.

The PPP Chairman should therefore accept, he said, that the source of power was angry with him, and the best course before him was to take steps which would remove their anger. It would be unnatural to expect that the people who had no grievances against the Government were coming out regularly to denounce him, and that, too, in thousands, despite the torturous beatings by the myrmidons of the law.

The third suggestion was that Mr. Bhutto should undo all those acts which had brought the national situation to a sad turn. This meant lifting of emergency; withdrawal of cases registered under DPR (Defence of Pakistan Rules); withdrawal of amendments to the Constitution which had paralysed the judiciary, changed the very character of the Constitution that had been adopted by national consensus; lifting of Section 144 under which the police had played havoc with the lives of people and had repeatedly forced its entry into mosques in soiled shoes to subject the people to tear-gas and lathi-charge.

Only when these steps had been taken could there be proof of the ruling party's sincerity in offering a meaningful dialogue. "If the pot is on the boil", the Maulana said, "you cannot cool it by piling ice on it. You should first of all pull away the fire from under it and then only could there be a chance of the heat subsiding".

In reply to a question the Maulana made it clear that no one should get the impression from his statement that the movement would or should stop as and when the Opposition received an offer of a dialogue from Mr. Bhutto. The

movement, he said, neither should, nor would come to an end until the nation's demands were accepted. He stressed the point that his suggestions had been made in his individual capacity and should not be construed as emanating from the PNA, though he had intimate links with the Jamat-e-Islami, which was a component of the PNA.

Quite obviously, it was as an elder statesman and as a thinker above the fray, that Maulana Maudoodi had put forward his suggestions to pull the country out of the quagmire. As he said, the PNA had every right to contradict his personal suggestions. And that is what the Acting President of the PNA, Nawabzada Nasrullah did: Not exactly contradicting him but explaining the difference in approach and dispelling the possible impression that the Alliance was resiling from its earlier stand.

At a press conference in Lahore, Nawabzada Nasrullah said that rumours were being spread to demoralise the people who had all along expressed their full confidence in the PNA leadership. Maulana Maudoodi's views were his own, and before making a statement he had neither contacted anybody in the PNA nor consulted with the Jamaat-e-Islami leaders.

Asked if he was in overall agreement with proposals of Maulana Maudoodi, the PNA leader said that as far as demands regarding lifting of emergency and release of political prisoners were concerned, the Opposition had been consistently making a clear cut demand. Mr. Bhutto's terms, he said, to link the consideration of these demands with the Opposition's willingness to participate in the proceedings of the so-called National Assembly was nothing but political blackmail.

About the same time, Professor Ghatoor Ahmad, the new Secretary General of the PNA, told foreign newsmen in Karachi the Prime Minister was making a futile bid to convince the people that the Opposition's stand was unconstitutional and that the ruling party was doing its best to resolve the problem through dialogue.

In a message from Sahiwal Jail, where he was detained, the Amir Jamaat-e-Islami said that the morale of the workers and leaders of the PNA in detention was high, and their peaceful struggle would continue until their demands were met.

The novelty of the situation - the dramatic shift in the popular mood and attitude from acquiescence and silent misery to vociferous and determined dissent - apparently confounded the regime. It was something far more massive and all-embracing than the anti-Ayub agitation of 1969, which had toppled an eleven-year-old dictatorship. That, for one thing, had been confined to the major cities, and there were political leaders who had managed to stay out of it. This time the movement had penetrated deep into the rural areas. Once stirred to action, the masses had taken the initiative out of the hands of the leaders and gave it an irreversible momentum. The more they suffered, the more ruthless the repression, the more pronounced became their courage and resolve to command their own tomorrow.

Everyday there was evidence from various parts of the country of the indomitable will of the people, enthused with the hope of deliverance and determined to carry on the struggle.

Peasants and workers, lawyers, students, ulema, journalists and even women from all strata of society came out in unprecedented numbers to demand the restitution of freedom and democracy. They were baton-charged, tear-gassed and humiliated in many ways. Many were tortured and pressurised to make false depositions implicating PNA leaders in a variety of criminal offences. Many were shot to death for their defiance, including some inside the sanctuaries of the mosques.

Behind each eloquent image of that memorable period remains a history of heroic struggle, of smouldering anger and deep popular discontent bursting the bonds of docile endurance and defying all the resources of brutal repression:

- the young mother from Liaquat Colony, Hyderabad, whose baby was killed in the hail of bullets on the presiding officer's table asked for the ballot paper. "Having lost my dearest possession in the process, how could I go back without casting my vote? "she told the stupefied onlookers;
- the prayer congregations at the Neela Gumbad mosque and Masjid-e-Shuhda, Lahore, shocked and angered by the desecrating hordes of police and

FSF, disdaining the bayonet wounds on their bodies and daring the raiders to shoot to kill;

— women, young, and old, who had never stirred out of the four walls of their homes, the educated and the unlettered, the rich and the poor-including many whose dear ones had been killed or wounded or held in humiliating imprisonment — came out in their thousands on the streets of Karachi, Lahore and other cities, trampling custom underfoot and urging their menfold with jeers and exhortations to do-or-die desperation.

One of the many such amazing processions was led by Begum Maudoodi, Begum Asghar Khan and wives of other eminent political figures in Lahore on March 30. This was the largest demonstration by women in the city's history. Begum Maudoodi would lead the procession, a large number procession of women during the anti-Ayub agitation on grounds of custom and tradition, was moved to make an exception with the full consent of her illustrious husband.

In a signed article the Editor of "Afrasia" (Abdul Qadir Hasan) said of this event: "When news spread that Begum Maudoodi would lead the procession, a large number of ladies who could never before think of any kind of public appearance, came forward to join the procession. (Such is the veneration in which she is held) that Begum Maudoodi's participation transformed the political character of the event into one of solemnity and reverence.

"Thousands of men who lined the streets along the route, stood with eyes downcast, and such was the welling up of overpowering emotion that many of them were sobbing silently and others watching with reverence and admiration wept profusely".

This procession of women had given an irresistible and irreversible momentum to the popular movement against the discredited regime. Many others that were to follow debunked the facile but insubstantial demagoguery that claimed that women who owed their progress and emancipation to the five-year regime had expressed their gratitude by voting overwhelmingly in its favour.

While the movement was gaining momentum and the

Government was taking stern measures to crush it, the Prime Minister was also reiterating his willingness to negotiate a settlement. While he ruled out the PNA's demand for fresh polls, he said the only answer to the crisis lay in "an intelligent dialogue". On March 28 he had offered to release the arrested Opposition leaders, lift the emergency and other restrictive laws and discuss "all grievances the Opposition may have on the conduct of the elections", if the PNA returned to the Legislature and abjured the "politics of the streets". On April 15 he endorsed a formula for resolving the deadlock advanced by his Attorney-General, Mr. Yahya Bakhtiar. Mr. Bakhtiar suggested fresh elections to the four provincial assemblies with the stipulation that if the Opposition won a majority of seats, the Prime Minister would then advise the President to dissolve the National Assembly and order fresh elections. Replying to a question by the BBC correspondent at a press conference, the Prime Minister said that the formula was negotiable.

The PNA rejected the formula and reiterated its demand for the resignation of the Prime Minister and the Chief Election Commissioner before a dialogue could be held with the Government. The agitation continued with unremitting vigour and the crisis deepened when eight persons were killed and 77 injured in a police action against demonstrators in Lahore. Hundreds of people attended the Namaz-e-Janaza, and 'Ghaibana Namaz-e-Janaza' was held in Karachi, Sukkur, Pindi, Faisalabad, Bahawalpur, Sialkot, Peshawar and Quetta. This had happened only a few days before the Prime Minister's endorsement of the Bakhtiar formula. The incident provoked strikes in many places, and several persons were killed and many injured in police firing on protesting crowds in Karachi on April 10. More strikes and protest rallies followed.

Begum Nasim Wali Khan led a four-hour rally in Peshawar on April 15 which was described by Dawn staff correspondent as the biggest ever in that historic city. She gave an 'ultimatum to the ruling party Chairman" to accept the PNA's demand in toto by April 20. She ridiculed all talk about 'formula' and said this and similar moves were intended by "an individual to perpetuate his office".

She had come to the rally in defiance of house-arrest orders under DPR. She said she was tearing the DPR to

pieces by flouting the house arrest orders to prove convincingly that the nation's march towards democracy could not be hindered by anyone. A contigent of lawyers also joined the rally, and similar rallies were held in all the district headquarters and towns in NWFP.

Resentment was mounting, and the regime seemed to be groping for ways and means to defuse the crisis, which was proving too much even for a tactician of Mr. Bhutto's encompassing vision and political agility.

About this time six PPP leaders resigned from the party, including Mr. Ahmad Raza Kasuri who was later to erupt into international eminence as the plaintiff in the famous Bhutto trial. Dr. Mubashir Hasan had resigned as the Secretary-General of the party. Three Pakistani diplomats, Air Marshal Rahim, Ambassador in Madrid, General Gul Hasan, Ambassador in Athens (first Army Chief of Staff after Mr. Bhutto's take-over as President in 1971), and Mr. Ayaz Amir, a Second Secretary in Moscow resigned their jobs.

On April 15, Mr. Bhutto had an unscheduled one-hour meeting with Maulana Maudoodi in Lahore. The details of the talks were not made public.

On April 17 in an obvious bid to steal the wind out of PNA's sails he announced an immediate ban on liquor sale and consumption, gambling in all forms, including betting on horse racing, and night clubs. He also reconstituted the Council of Islamic Ideology, including among its members three of the most prominent religious leaders in the PNA. The Council was to be charged with the task of recommending within six months how the existing laws could be brought in conformity with the Qur'an and Sunnah.

At a press conference in Lahore (April 17) the Prime Minister announced these and other decisions. He noted that the first Islamic Ideology Council set up under the Constitution had been asked to finalise its recommendations within a period of seven years, out of which only three and a half had passed. He maintained that the stipulated period had been unanimously decided in consultation with the representatives of the Opposition parties, who were thus a

party to the decision. But since the Opposition parties now claimed that Shariat laws could be enforced in a shorter period, he was prepared to reconstitute the Council and charge it with the responsibility of submitting its recommendations to the National Assembly within six months.

The Prime Minister also said that he wanted to associate the representatives of the Opposition with the task of the Council, and therefore desired that Maulana Syed Abul Aala Maudoodi, or his nominee should be on the reconstituted body. Similarly late Maulana Mufti Mahmud, Maulana Shah Ahmad Noorani and a renowned Shia alim should be members of the Council, so that all the principal schools of thought in Islam could be represented.

Mr. Bhutto reaffirmed his faith in Islam and his determination to introduce a complete Islamic order in Pakistan. He promised to enforce Shariat laws within a period of six months if the reconstituted council completed its task by that time.

Mr. Bhutto reiterated his earlier formula to resolve the political crisis: that if the Opposition won a majority of seats in fresh provincial elections, they could also have new elections for the National Assembly. He said he was prepared to make adjustments in the formula to make it acceptable to the PNA.

Reminded that the Opposition had already rejected the formula, Mr. Bhutto said that he wanted to give them more time to think deeper. He hoped that the PNA, which had thus far taken a subjective view of the situation would study the formula objectively and would realise that the continuance of the impasse would not benefit them.

When it was pointed out that most of the PNA leaders were in jail and therefore could not consider the formula, he said he was prepared to put them in one place, so that those who were out could consult them.

All these protestations about Islamic transformation were solely intended to cut the ground from under the PNA's agitation which was spreading rapidly to the rural areas where the simple peasants were being roused from their helpless resignation and urged to make the enormous

weight of their numbers felt in the fight for an Islamic order of society.

The White Paper on "The Conduct of General Elections" published by the present Government quotes excerpts from a note put up by Mr. Bhutto's Interior Secretary (M.A.K. Chaudhry), who observed:

> "The saner elements in the country have hailed the major steps towards Islamisation of laws announced by the Prime Minister...The immediate ban on the use of liquor, gambling, night clubs, and pornography have created an impact on the general public which is evident by the steep fall in agitational activity throughout the country today...
>
> "Their (PNA's) efforts at playing down the revolutionary reforms in the life pattern of Pakistanis, who have accepted drinking, gambling and other un-Islamic traits as necessary evils of present day society, are nothing short of a diabolical fraud on the gullible...
>
> "It is vital to mount an all-out campaign to expose the PNA..."

From the very inception of his regime in 1971, and specifically as a crucial element in his planning for the general elections, the former Prime Minister enlisted the entire bureaucratic hierarchy to function as members of the ruling party. Earlier in 1973, the Constitution had removed the traditional, time-honoured safeguards relating to the security of the services. Large scale dismissal and retirements had been arbitrarily carried out and platoons of politically aligned individuals were inducted into the services at various levels. Politicisation of the administrative services had already been well and truly accomplished, with the State machinery almost "woven into a common matrix with the ruling party, long before the elections."

In October 1975 the Cabinet Secretary in a lengthy note (reproduced by the White Paper) had recommended to the Prime Minister a series of measures to enhance the image of the ruling party. Among other things he recommended that "disloyal elements will have to be removed. Loyal officers will have to be in key posts... this will necessitate

the induction of more officers in the District Management Pool...".

So partly because of their conditioning as party functionaries and partly because of an instinct for playing safe, the Prime Minister's aides seemed to be shying away from laying the unplatable truth on the line.* Other than a figment of his own imagination, or wishful thinking, the Interior Secretary could not have come upon any credible evidence leading to the surmise - let alone positive convictions - that the so-called "Islamic" measures had had any truly favourable impact on public opinion.

The announcement and all the fanfare of attending publicity did nothing to mollify the Opposition, and the people at large were not impressed by such declarations of intent and pious resolutions for the future. They were questioning the political legitimacy of the regime and demanding retribution for the misdeeds and misrule of the past. The "Islamic" move was palpably too late.

The opposition repeated its demands, and according to a report in "Afrasia" Maulana Maudoodi had also told Mr. Bhutto during the meeting at his Ichra residence that the Prime Minister's only option was to resign and hold fresh elections. This, the paper said, was the first occasion that anyone had uttered the word 'resignation' to Bhutto's face. "When that dejected ruler came out of the meeting", the paper added, "there were hundreds of young people who shouted slogans 'It is going to cost you your head"

Note:— *The sense of insecurity which sycophancy breeds has always resulted in the hiding of the truth by the bureaucracy, from the man at the top.

CHAPTER V

PROCLAMATION OF EMERGENCY

The newly formed Pakistan Labour Alliance in Karachi, consisting of 28 labour federations, called for an "indefinite countrywide strike" from April 19 "to bring additional pressure on the Government" for the early acceptance of the PNA demands. But the labour alliance could not implement its decision, because curfew was imposed in Karachi, Hyderabad, Lahore, Lyallpur (Faisalabad) and Bahawalnagar. The cities of Karachi, Hyderabad and Lahore were brought under Martial Law.

A press note issued by the Federal Government on April 22 said that these areas were being placed under the control of the armed forces, who will exercise exclusive jurisdiction and authority for the enforcement of law and maintenance of public order.

Earlier the President of Pakistan, on the advice of the Prime Minister had issued a proclamation of emergency under Article 232 of the Constitution, "since a grave emergency exists in which the security of Pakistan... is threatened by internal disturbance beyond the power of a provincial government to control".

The armed forces were empowered to set up courts for the expeditious trial and punishment of offenders, and the Federal Government also delegated powers to the military to act under the Defence of Pakistan Rules (DPR).

The President also issued an order declaring that the right to move any court for the enforcement of fundamental rights specified in the order shall remain suspended.

Subsequently the Prime Minister in numerous speeches explained that the army was called in to assist the civil power because of the "violence, murder and pillage" created by the PNA supporters. The Prime Minister's argument was echoed by the Ministry of Defence whose spokesman said on May 4: "It is the duty of the armed forces to protect the life and honour of the people whenever called upon to do so without any qualms of conscience. This is what they did in Karachi, Hyderabad and Lahore, where they brought about peace and tranquility, thus creating an environment for the politicians to talk".

Meanwhile the newly elected National Assembly and the four Provincial Assemblies were summoned into session. Members were sworn in, presiding officers elected and cabinets were formed. Parliament approved the proclamation of the emergency by the President. The approval was given in the form of a resolution adopted by a joint session of the National Assembly and Senate. Winding up the debate the Prime Minister said that the emergency flowed from the Constitution and the Martial Law imposed in the cities of Karachi, Hyderabad and Lahore was a "constitutional martial law".

Earlier during the debate the Federal Law Minister asserted that the emergency powers had been invoked to prevent Balkanisation of the country. Reporting the proceedings, the Islamabad Bureau of the newspaper Dawn quoted from the speeches made in what was truly a rubber stamp parliament (more than two-thirds majority for the ruling party).

According to the Dawn report, the Law Minister said that the same forces of subversion that had been at work in 1971, when the country was ultimately dismembered, were at work and trying their worst. But, he said, "their sinister efforts would be set at naught as since 1971 we have been able under Prime Minister Bhutto's dynamic leadership to maintain national unity and integrity."

The Attorney-General, Mr. Yahya Bakhtiar said that the emergency would continue till a political solution was found to end the impasse. He termed the demands of the Opposition alliance as undemocratic and unconstitutional, and said that the formula presented by him was the best in the given circumstances.

Two tribal members of the National Assembly (MNAs) said in their speeches that they were perturbed over the unfortunate events in the country, prayed for a democratic and constitutional way out and pledged full support to the Prime Minister on behalf of the tribal people.

Women members (nominees of the ruling party) eulogised the Prime Minister's services for the emancipation of women, assured him of unstinted support and accused the PNA of being a stooge of vested interests and of taking the country to the brink of disaster.

Some of the Opposition leaders, during the election campaign and after, had been giving the impression that they had the backing or the blessings of the armed forces. Although some of the Opposition leaders, notably Air Marshal (Retd.) Asghar Khan tended in their speeches to imply a measure of the military's endorsement of (or acceptance) of the style, tactics and moral justification of the popular movement against the regime, the Chairman of the Joint Chiefs of Staff Committee and the Chiefs of Staff of the three services in a statement (which belied the implication) declared that the armed forces were "totally united to discharge their constitutional obligations in support of the present legally constituted government and to fulfil the pledge their officers and men have taken to defend the country's integrity even to the peril of their lives".

The leaders of the country's armed forces further said:

> "We wish to reiterate our firm resolve to stand by the cardinal principles of the State given by the Father of the Nation. With faith in our destiny, unity in our actions and discipline in our ranks, we are confident that we shall succeed in ensuring that the principles of our ideological State are not violated. In this sacred task we seek the assistance and cooperation of Pakistanis of all walks of life and shades of thought".

Some time later when Air Marshal Asghar Khan, who was in detention, sent letters to the Chiefs of Army Navy and Air Force urging them not to obey the Government, a spokesman of the Ministry of Defence replied that the armed forces owe their allegiance to the country and are loyal to its Constitution, and not to an individual.

It was thus made perfectly clear that the armed forces were not - and would not be - embroiled in politics, but since they belong to the nation, "they have to remain on call to safeguard the country's integrity when threatened on account of external aggression or internal subversion". Their operation, at a given time, on the orders of the Federal Government ought not to be misconstrued as a prop to the party or individual in power.

There is, however, little doubt that the military Chiefs' statement was a shot in the arm for a desperate and cornered regime, and it should have given it a new confidence to negotiate from strength. Instead it seemed to have stiffened its intransigence. The Government imposed pre-censorship on news about the PNA agitation*. The order under Defence of Pakistan Rules prohibited the publication of "any matter, including a drawing, photograph or a sketch, directly or indirectly connected with the agitation being carried on by the Pakistan National Alliance...before it is submitted for scrutiny to the Home Secretary of the Province in which such newspaper, periodical or document is to be published.

This was clearly calculated to deprive the movement of "visibility" which comes from undistorted coverage by the media. Simultaneously the Government was resorting to mass arrests to immobilise the base of the movement. In this latter process, which also included concocted cases against, the over-zealous functionaries (or perhaps their masters) fell into blunders so puerile as to appear in retrospect to be almost maniacal: Mr. Farooq Maudoodi, son of Maulana Maudoodi being accused of involvement in an arms scandal; Chaudhry Zahur Elahi, a millionaire, charged with the theft of buffaloes; Air Marshal Asghar Khan being accused of stealing the ignition key of a police vehicle, and so on.

Although the political crisis was, strictly speaking, an internal matter of Pakistan, the tremendous implications of the situation flowing from the country's strategic and diplomatic importance, aroused deep concern among the friendly countries. Libya, Kuwait and the United Arab

Note:— *News censorship has always been a harbinger of the termination of power of the regime imposing it.

Emirates (UAE) sent out their ranking Ministers to see if they could in any way help to resolve the crisis. The Ambassador of Saudi Arabia, the late Riyadh Al-Khatib, played a memorable role at the time, tiring himself out in a determined effort to work out a modus vivendi.

Some of the prominent political leaders of the PNA, late Mufti Mahmud, Sardar Mazari, Mian Tufail Mohammad, Maulana Noorani and Professor Ghafoor had been brought from different jails and detained at the Sihala Rest House near Rawalpindi. Between there and the Prime Minister's House, King Khalid's envoy shuttled for days on end in a bid to hammer out a settlement that would pull out the country from its deepening crisis. Hopes were raised repeatedly during his mediation only to recede into the gloaming. But both the Government and the Opposition expressed their deep appreciation of the Ambassador's painstaking effort to bridge the gulf of antagonisms.

The talks were deadlocked, and there were reports in the foreign press that three army brigadiers had resigned in protest over the role assigned to the military in combating the domestic political agitation against the Prime Minister. The daily 'Nation' of Kenya quoted agency sources to say that the *brigadiers, stationed in Lahore, were unhappy about their troops being used to confront demonstrators and that they had been shifted to the General Headquarters in Rawalpindi for court-martial proceedings. These reports were not confirmed by any authoritative source, but the feeling was abroad that while there could be no question of the armed forces' bond of allegiance to the Constitution, which may at times require harsh punitive measures against riotous mobs, the military - both officers and men - would be less than human if they were not anguished by the dreadful travail of the people.

On April 30 the Prime Minister visited Pir Pagaro of the Muslim League at his hotel in Rawalpindi. On May 2, the detained PNA Chief, Maulana late Mufti Mahmud received Mr. Bhutto's letter for talks with the Opposition. The letter was discussed by top PNA leaders, and on May 5, the acting chief of the PNA, Pir Pagaro released to the press the draft

Note:— *The refusal or reluctance of the armed forces to strong-arm their compatriots had been an indication of the writing on the wall for ruling regimes previously too.

proposals of the PNA for the resolution of the political crisis.

The PNA proposals were in five parts, beginning with steps to be taken immediately such as lifting of emergency, martial law and Section 144, release of political prisoners, dissolution of special courts and tribunals and removal of press curbs.

The second part proposed dissolution of the National and Provincial Assemblies not later than seven days after an agreement was reached, and holding of general and provincial elections simultaneously within a period of 30 days after the dissolution of the legislatures.

In the third part the PNA proposed the appointment of a new Chief Election Commissioner and constitution of a new Election Commission, by mutual consent, along with measures to ensure free and fair polls.

The fourth part dealt with administrative steps, such as appointment of Governors of all provinces with mutual consent and changes in certain key appointments after consultation. It also proposed the dissolution of the existing Azad Kashmir Assembly and appointment of a new caretaker President of the state in consultation with the Jammu and Kashmir Muslim Conference, to be followed by fresh elections to the state assembly and to the office of the President (the former incumbant, Sardar Abdul Qayyum had been peremptorily replaced by a man of the ruling party's choice*). In the last part, the PNA proposed that Mr. Bhutto should resign from the office of the Prime Minister immediately after the dissolution of the National Assembly.

Note:— *Chaudhry Abdul Hamid, younger brother of Khan Abdul Qayyum Khan.

CHAPTER VI

TORTUOUS NEGOTIATIONS

The Prime Minister disclosed on May 8 that the Chief Election Commissioner, Mr. Justice Sajjad Ahmad Jan, would be going abroad for medical treatment. He urged the Opposition to stop issuing calls for demonstrations and reduce their demands to basics if they genuinely wanted to have talks with the ruling party. He offered to send four or five Ministers to have preliminary talks with the Opposition leaders in Sihala to determine the points that demanded immediate attention. The PNA declined to have any such initial discussion with the Ministers, and declared that their number one demand was Mr. Bhutto's removal from office.

In the meantime the Election Commission had continued hearing petitions filed against the rigging of polls. The Chief Election Commissioner said on May 7, that scrutinising the records of 24 constituencies, he was staggered to note the scale of the rigging in the National Assembly polls. In consequence the election records of 80 more constituencies were sealed; and finally the Chief Election Commissioner suggested that there was no honourable alternative left except to hold fresh elections.

On May 12 the Government promptly withdrew the Ordinance of March 21 which had given special powers to the Election Commission to declare void the polls in a constituency where it was satisfied that grave illegality had been committed.

Explaining the move the Law Minister told the National Assembly (May 13) that it was noticed that a number of

cases were decided where the result of the returned candidate had not been materially affected. He said that these cases included even those in which a returned candidate with a lead of well over 40,000 votes was unseated on account of irregularities in two or three hundred votes only.

The Minister laced his casuistic argument for suppression of further investigation by the Commission with cant about the requirements of justice. Other official spokesmen plugged the same line.

Messages were exchanged between the Government and the Opposition through the Saudi Ambassador, Mr. Riyadh Al-Khatib, and Mr. Bhutto paid a visit to Sihala to meet late Mufti Mahmud, but the deadlock continued, and so did demonstrations against the Government. Clashes between the supporters of the two sides and between demonstrators and the law enforcing agencies were taking an increasing toll of life and property. Shrill sounds of street violence were daily heard with defiant cries from the mob and the bark of tear-gas guns and rifle fire from the minions of the law. The country seemed to be spot on course for disaster and still accelerating.

The Prime Minister announced on May 13 that he was prepared to put his fate in the hands of the people through a *referendum. In an address to the National Assembly shown live on the TV network. Mr. Bhutto said that a joint session of the parliament would pass a temporary amendment to the Constitution to provide for the referendum.

Earlier in his address, the Prime Minister informed the House of the developments culminating in the Opposition's final "No" to his efforts to start a dialogue. He said fresh elections in the existing conditions when the country was ripped and faced with foreign intervention and grave internal problems would be disastrous for the nation.

The Prime Minister said that if the people's verdict in the referendum went in his favour, he would bring about basic structural changes and modify the existing system to

Note:— *The referendum had also been a pet exercise of the late F.M. Ayub Khan. In the one he had conducted to get a mandate from the people, he got a verdict of 99% in his favour!

ensure against foreign intervention and deal with evils like corruption and smuggling and bring about social justice. "We will have", he said, "a system on the Islamic pattern in such a way that the country does not face any crisis in future". It was not immediately clear to many of his viewers and listeners outside the House what precisely he meant by structural changes for the sake of the country's security and social justice. Nor indeed had this vision of the future any relevance to the impending issues and the feverish condition of stretched uncertainty that marked the present.

The Prime Minister said that if the people decided in the referendum that he should not continue with his present responsibility, he would quit and not take it as an insult. But he would not leave it in the hands of leaders of six or seven defeated parties to dictate. Referendum, he asserted, was the only honourable and proper way of resolving the deadlock, which he had all along tried very hard to settle through negotiations in accordance with constitutional provisions.

The Prime Minister said that the post-election period had been a very difficult and agonising time. Instead of adopting sensible means to voice their demands, the Opposition, he said, had resorted to the power of the streets and agitational politics had whipped up hatred. He pointed out (truthfully in this case) that first there was agitation on rigging in elections alone. But soon after the emotional issue of religion was included and it was asserted that Islam was in danger. This followed the demand for the introduction of *Nizame-e-Mustafa and Islamic laws.

The Prime Minister stressed the point that "deep horizontal and vertical polarisation" had taken place, between poor and rich and between regions, and the holding of elections in such grave conditions would be disastrous. So a referendum should settle the main issue: should Mr. Bhutto quit or stay on?

The Acting President of the PNA, Pir Sahib Pagara slated the referendum plan and called it "unethical". In

Note:— *The slogan of Nizam-e-Mustafa, for a time was to prove even more attractive than the "Roti, Kapra aur Makaan" gambit employed by the PPP in 1970.

a seven-page statement on May 14 in Islamabad, the PNA leader said that Mr. Bhutto and the State of Pakistan were not synonymous. "The nightmare through which the nation has passed since March 7", he said, "is born of Mr. Bhutto's own acts. I pledge to the nation the undoing of this wrong with complete determination".

Pir Sahib described Mr. Bhutto's charge of international intervention as unfounded. "I say with all vehemence at my command that no foreign government has had the slightest interest or hand in the movement that is raging throughout the length and breadth of the country. The PNA leaders are patriots, one and all, and they have proved this time and again. To call anyone of them a foreign agent is a calumny".

Pir Sahib denied there was any polarisation, as suggested by Mr. Bhutto. "The real question", he said, "is that the National Assembly thrown up on March 7, being the by-product of a fraud, must go and be replaced by a properly elected Assembly in accordance with the dictates of the Constitution."

Talking to newsmen in Lahore on May 14, late Maulana Maudoodi, made the point that with all the Opposition leaders and workers in jail and no promise being made to release them, the referendum proposed by Mr. Bhutto would only amount to seeking the nation's one-sided verdict through unilateral propaganda.

How, he said, could the referendum be free and fair if those who could organise public opinion against the continuance of Mr. Bhutto were kept behind bars and were not allowed to take part in it?

In regard to the argument that no fresh elections could be held because the internal situation was fraught with danger and the country was facing foreign interference, the late Maulana said how could things be different in the case of a referendum.

Late Maulana Maudoodi further said that democratic spirit demanded that instead of placing only a single option before the nation, the referendum should also provide an alternative, so that the people could make their choice after comparing the two. For instance, the question to be put be-

fore the voters should be whether they wanted Mr. Bhutto or the PNA as the future rulers. Since a number of people were illiterate the ballot paper should carry symbols of sword (PPP) and plough (PNA) to enable them to exercise their vote easily.

Late Maulana Maudoodi argued that if Mr. Bhutto failed to get the people's verdict in his favour he should resign forthwith. This was imperative, both constitutionally and morally. Under the Constitution, however, the National Assembly was required to elect another Prime Minister on his resignation having rejected Mr. Bhutto. The people(in the referendum) could never be expected to accept another person elected as Prime Minister by the Assembly, the election of which was massively rigged and consequently gave birth to the crisis. In other words, a vote of no-confidence against Mr. Bhutto through a referendum, who was also Chairman of the Pakistan People's Party (PPP) amounted to a rejection of the ruling party itself. Thus the national and provincial assemblies would cease to have any basis or representative character; and the National Assembly would, therefore, not be competent to elect the Prime Minister. The way out was to go back to late Maulana Maudoodi's earlier suggestion that Mr. Bhutto should have talks with the PNA leadership to discuss the mechanism for setting up an interim government, which should hold fresh elections.

Government, however, seemed resolved to press on with the referendum project. The matter was taken up in parliament, which expressed confidence in Mr. Bhutto, full faith in the people's judgement and trust that the referendum would produce a massive mandate in favour of Mr. Bhutto.

On May 16 the National Assembly passed by 153 votes against nil the Constitution (Seventh Amendment) Act 1977 providing for a referendum by the 30th of September, if the Prime Minister considered it necessary to obtain a vote of confidence from the people.

Later the same evening the Senate also passed the amendment. The Government also took this opportunity to add a new clause to Article 245 of the Constitution*

Note:— *Obviously so because the Opposition did not take part in this drama staged by the ruling partv

providing that the validity of any direction issued by the Federal Government under Clause One of the Article (which empowers the Federal Government to call out the armed forces in aid of the civil authority) shall not be called in question in any court.

The amendment to Article 245 also provided that a High Court shall not exercise any jurisdiction under Article 199 (which relates to High Court powers for enforcement of fundamental rights and issuance of writs) in areas where the armed forces of Pakistan are for the time being acting in aid of civil power.

The new clause was given retrospective effect from April 21.

The article providing for the referendum also stipulated that any dispute arising in connection with the counting of votes at the referendum shall be finally determined by the Referendum Commission (comprising Supreme Court and High Court judges) and shall not be permitted to be raised in any High Court or before any other authority.

**Speaking in the joint session of the Parliament, Federal Minister Hafeez Pirzada invited the PNA to come out and contest the referendum. At the same time he made it clear that the Prime Minister's announcement of the referendum was a unilateral decision and not a proposal to the PNA. "Now the matter is between Mr. Bhutto and the People of Pakistan", he said. He added that the PNA's announcement that they would consider the Prime Minister's decision was "irrelevant and out of context". He warned that no one would be allowed to stop the people from participating in the referendum. He said the Prime Minister had decided to go to the people directly after the PNA closed its doors for good on a dialogue to resolve the political crisis. He added that the doors had been slammed due to internal and external conspiracies.

Earlier in the same vein, the Foreign Minister also added his piece about the "growing evidence that the security of Pakistan would be endangered if the violence organised at

the instance of the PNA continued. He said it was "not in the interest of the country to disclose at this stage the evidence that the Government has in this regard, because it would add to foreign*pressure and intervention, besides causing other harm". The Government, he said, could show some of the evidence to the Opposition leaders "if they agreed to behave".

The acerbity of tone in the above quoted speeches of two of the Prime Minister's principal aides and the formal preparations for the referendum, together with the ritual iteration of loyalty to Chairman Bhutto by the party faithful and the bravado of the coterie of sycophants who claimed massive popular backing for the regime, might have been intended to create a false impression of confidence. But Mr. Bhutto who towered above the little men crowding his court had the politicians's instinct for what the people would swallow and what they would not. He must have taken note of the mounting evidence on the ground. The silent multitudes had found their voice, and the voice was angry and unafraid.

The curfew had been lifted in Lahore on May 17, but Karachi and Hyderabad were still under curfew and there were recurring clashes during the short curfew breaks and often even during the curfew. On May 20, Sialkot was also placed under curfew following violent clashes between rival groups, in which at least four persons were reported killed.

The referendum project was allowed to wither on the vine and very soon completely forgotten. King Khalid, who, like his predecessor, His late Majesty King Faisal, has shown a deep and abiding interest in the welfare of Pakistan as a citadel of Islam and a factor of stability in the Muslim world, was believed at this stage to have sent a special message through his Ambassador, Mr. Riyadh Al-Khatib, urging that both sides must reduce passions and revive the effort to surmount the political problem in a spirit of understanding and tolerant harmony.

The Government seemed to realise that they had no

Note:— *It will be recalled that Mr. Bhutto had publicly read out a letter purporting to have come from a super power and mentioning the necessity of removing him from the political scene. The exercise was carried out in Rawalpindi Cantonment.

option but to negotiate. So, on May 19, Sardar Abdul Qayyum, former President of Azad Kashmir and a PNA leader was released after 18 months imprisonment and brought to Sihala to join in the talks that were expected to take place between the Prime Minister and the Opposition. Messages had earlier been exchanged between the Government and the PNA through the Saudi Ambassador, Mr. Riyadh Al-Khatib.

Sardar Qayyum visited other PNA leaders who had been detained in different jails all over the country . The Acting President of the PNA issued a strongly worded statement demanding the release of all PNA leaders, withdrawal of Martial Law and recall of the Army to create the right climate for negotiations. But the consensus of PNA leadership had apparently tended to become less messianic in its aims and professions, and they too had veered to the view that with all their reservations about the regime's sincerity of purpose, the proposed talks may be given a trial. So on May 26, 1977 they gave their consent in favour of a dialogue with Mr. Bhutto after dropping the earlier insistence that he must first resign and then begin talks as Chairman of the PPP and not as Prime Minister.

On May 31, the Acting President of the PNA, Pir Sahib Pagaro handed out a lengthy statement to newsmen, giving his version of the background to the ensuing talks. He said that the terms communicated to the PNA by the Prime Minister through the Saudi envoy, Mr. Riyadh Al-Khatib, came closer to the demands of the people of Pakistan.

The following is the substance of what he said:

At the end of various exchanges between the Prime Minister and the PNA culminating in the rejection of Mr. Bhutto's scheme of referendum, Mr. Bhutto started "another wave of repression, but the people withstood it".

"Our Muslim brothers, for the incalculable harm that all this was going to cause to the people and the country which was established to serve the cause of Islam, intervened. Their intervention was effective. Finally it was communicated to Mr. Bhutto that the PNA was willing to negotiate on the new terms communicated to them through the Saudi envoy. These terms came closer to the demands of the people."

Pir Sahib, however, sounded skeptical about the outcome of the talks. He said that he had been watching the events closely and in their totality. "I was and am aware of the problems. I was, therefore, disturbed over the time that Mr. Bhutto was taking in what can be called his second round of negotiations".

He said that an agreement can be reached only if Mr. Bhutto kept his promise (to hold fresh elections preceded by the dissolution of the existing National Assembly) and did not back out from his undertaking.

Pir Sahib maintained that fresh elections should be held on the basis that these elections will be the first elections under the Constitution, which means that the National Assembly to be elected through the elections should be installed before the 15th of August, 1977 (as stipulated in the Constitution).

Pir Pagaro asserted that the people had already established that they did not want Mr. Bhutto. "Our Ham Vatans (fellow citizens) are beginning to recognise the menace, and he is being vigorously stopped. The Frontier Province and the Punjab are holding out; Baluchistan and Sind are holding out. Every city, town, suburb, from Karachi to Khyber, is holding out. The man in the street is stopping him. When the man in the street decides that he (Mr. Bhutto) is no good for him, he will stop. No matter what Mr. Bhutto does to prevent him (the man in the street) from doing this, he will find a way out. Mr. Bhutto cannot be strong or smart enough to beat the man in the street".

This last tortuous sentence was really a riposte to Bhutto's braggadocio in the early phase of the Popular movement when holding the arm of his chair he had pooh-poohed the threat to his position and said that he might be expendable but that "this chair (that is, PM's Power) is very strong".

Meanwhile, there was speculation in diplomatic and political circles about the reason that might have motivated the Government to release Begum Nasim Wali Khan (Vice-President of the National Democratic Party, a component of the PNA) from the prison, while leaving the other top PNA leaders still in jail.

Replying to newsmen's questions, Pir Pagaro indicated that the point which had already been conceded by Mr. Bhutto, either himself in his talks with PNA Chief, late Mufti Mahmud, or through the Saudi envoy, included his promise to release many other PNA leaders. He added that lifting of the emergency and reconstitution of the Election Commission were also among the points conceded by the Prime Minister.*

Time would soon show that Pir Pagaro's skepticism about the outcome of the talks was in no way misplaced and his suspicion of Bhutto's dilatory tactics was justified.

At this point it might be interesting to quote passages from the relevant chapter in the White Paper on the Conduct of the General Elections:

> "...The facts and figures given by the then Attorney-General himself reflect a formidable movement against which brute force could not have been used indefinitely without the risk of a civil war. On June 6, 1977, while arguing an appeal against the decision of the Lahore High Court striking down the Government's order imposing local martial law in three major cities, Mr. Yahya Bakhtiar stated that between March 14 and May 17, 4653 processions had been taken out, including 248 by women, 92 by members of the legal profession, 18 by ulema and 248 by students. Two hundred and forty-one (241 civilians belonging to both political parties had been killed, and 1,195 injured..."

*"... In this tense and explosive atmosphere Mr. Bhutto decided to resume negotiations with the PNA leaders at an amazingly leisurely pace. The Azad Kashmir leader, Sardar Abdul Qayyum was commissioned to contact separately

Note:— *At about this stage sources close to Mr. Bhutto but sensing his imminent downfall, were reportedly telling confidantes that no sooner did the Opposition leave the conference table after having reached agreement on a certain point, than the PM called in his principal aides to think out ways and means to impede implemention.

Note:— *Sensing the hostility of the people against him and his party, Mr. Bhutto was possibly not keen to see the negotiations bear fruit, as, at this juncture he must have been certain that going to the polls, would be disastrous. Hence, the dilatory tactics.

the leaders of the nine components of the PNA lodged in prisons in different cities far apart from one another. He took nearly a week to talk to them and persuade them to resume negotiations with Mr. Bhutto - a result that could have been achieved within 24 hours by flying the leaders to any one city. Then, after the initial accord on the resumption of parleys, Mr. Bhutto took another three or four days to work out the modalities.

"Another more mysterious delaying tactic on the part of Mr. Bhutto occurred when, at a delicate stage in the negotiations, he suddenly left the country on an unscheduled tour of some Arab countries. According to the PNA leaders he had told them before leaving the capital that he would be going to Larkana for a couple of days' rest.

"The dilatory proceedings appear to have been part of an agreed strategy designed to buy time. On May 29, 1977, Mr. Bhutto's Special Secretary, Rao Rashid brought to his notice a series of suggestions by 'various pro-government organisations'. One of them was:

"The law and order situation is constantly improving. Although the PNA retains a potential for creating another law and order crisis if the talks fail, the passage of time would progressively lessen their potential. As much time, therefore, should be bought in conducting the negotiations as possible...Re-election in the near future would be disastrous from all points of view".

The Special Secretary's submission to the Prime Minister went on to sav:

"Professor Ghafoor could prove to be the hardliner, and would most probably reflect the line of Air Marshal (Retd.) Asghar Khan.

"In addition to the actual negotiations on the table, some work should be done to soften up the other leaders of the PNA. It would perhaps be futile to waste time on Asghar Khan, but attempts on Nasim Wali Khan and Sherbaz Mazari might produce some results (Mr. Bhutto remarked "Yes")...

"One school of thought believes that accommodation of some of the PNA leaders in the Government would create a vested interest, and if they remain Ministers for a few months, they may not remain too keen for re-election themselves. Immediately some rivalries and jealousies will be created in the selection of Ministers by the PNA, which may create the grounds for a bigger schism in course of time...

"Pir Pagaro has assumed the role of villain of the piece at the moment, and is issuing very damaging statements, most probably under the influence of Mr.Hassan Mahmood. It has become necessary to neutralise Mr.Hassan Mahmood to eliminate his influence on Pir Pagaro (Mr. Bhutto's remark: "Yes very much so")...

The White Paper goes on under the sub-title 'Other plans':

"All this politicking of the Special Secretary, however, seems to be of minor significance compared to the evidence of plans on a higher and much wider plane to render the negotiations meaningless and stamp out the movement against the regime through a more desperate use of State power and the creating of conditions bordering on civil war.

"Some glimpses of these plans can be seen in the recorded deliberations of a high-powered committee set up under the misleading designation of 'Law and Order Committee'. Comprising some of the highest and most influential figures in the Establishment, the Committee was presided over by the then Attorney-General, Mr. Yahya Bakhtiar. The Advocates-General of the Punjab and Sind participated in its deliberations from time to time. (This was a strange and unprecedented extension of the functions of the Government's law officers)."

Giving an example of the thinking and recommendations of the Law and Order Committee, that amounted not simply to a condonement, but to a positive advocacy, of the use of repressive force and cruelty (which, incidentally, was also the recommendation of the Military Secretary to the Prime Minister), the White Paper says:

'At its meeting on April 27, it expressed the view that it was a grave error for the Government to adopt a defensive

attitude in relation to the shooting of the people on the streets by the law-enforcing agencies:-

...'It has been noticed that whenever firing or any other stern measure is resorted to, our media get on the defensive by saying how the law-enforcing agencies first used tear-gas, followed by baton charge, and finally opened fire. This sort of apologetic attitude is neither necessary nor desirable. Orders exist for shooting on sight anyone who indulges in looting, arson, etc. It should, therefore, be sufficient for the media to say that a mob or any individual found resorting to looting and arson was shot on sight".

"Mr. Yahya Bakhtiar's chairmanship did not result in any soft corner in the heart of the Committee for the profession to which he belonged. At a series of meetings, between April 21 and May 17, it decided that the rigours of the Martial Law imposed by Mr. Bhutto should not be relaxed for protesting lawyers".

CHAPTER VII

SECOND ROUND OF NEGOTIATIONS

To revert to the second round of negotiations, these continued for the whole of June, 1977 and the first four days of July, and there were indications at times that the experience of discussions across the table may at least soften the harsher dissonances on the most contentious issues. But such was the sad and frightening mosaic of mutual suspicion and bitterness, only thinly masked by polite smiles and post-prandial pleasantries, that the negotiating marathon did nothing, finally, to dissolve the deep-seated differences and implacable hostility.

The talks had begun on June 3, 1977 at the Prime Minister's House, late Mufti Mahmud, Nawabzada Nasrullah and Professor Ghafoor Ahmad, who had earlier been released represented the Opposition, while Mr. Bhutto was assisted by Federal Ministers Hafeez Pirzada and Maulana Kausar Niazi.

It was decided at the first round of talks that other leaders would also be released soon and subsequently all those who had been arrested since the elections for violation of Section 144 would be released. Also that no cases would be registered under this Section and no arrests would be made.

Both the parties appealed to the people to suspend holding meetings and taking out processions, while the talks were going on. The demonstrations and rallies ceased, and the quest for a new spirit of accommodation seemed to dominate the early phase of the talks. After weeks and months of turbulence and tragedy that had threatened to send the whole country into gyrations, there were glimmer-

ings of hope that calm and sanity might return to the unhappy land.

The dialogue continued. At the end of each round of talks a joint statement would be given by Mr. Abdul Hafeez Pirzada and Professor Ghafoor Ahmad, and detailed accounts of the proceedings would be published in the media.

On June 7, Martial Law was lifted from Karachi, Hyderabad and Lahore. And 13,900 persons were released, while it was reported that many more were still in detention in various jails.

At this point it was reported that Prime Minister Bhutto had presented two formulas to resolve the "basic issue". Though both sides at their joint press briefings would not spell out what the "basic" issue was, it was apparent that it related to the Opposition's demand for fresh elections to the National Assembly.

Mr. Bhutto had at the very outset of the talks expressed his determination to reach a settlement as expeditiously as possible and the leader of the PNA's negotiating team, late Maulana Mufti Mahmud had also affirmed that he and his colleagues were equally eager that there should be no undue delay in the settlement of the issues involved. But as the talks progressed, it became increasingly evident that irreconcilable cleavages of interest and approach continued to bedevil the discussions on vital issues. Time and again there were contradictory signals, now raising hopes of an approaching settlement,, now creating doubts and despair. Over the weeks in which the negotiations dragged on there was many a turn and twist that gave the parleys at times a bizarre air of unreality with chilling reminiscences of the infructuous confabulations that another dictator had many years ago with the Opposition leaders (then banded together as the Combind Opposition Party, or COP for short). At other times the talks seemed to be invested with momentous significance, as if some subtle but penetrating alchemy had transformed the long time antagonists and harnessed them together in the common search for an acceptable solution. There were moments of high drama and desperation, of acidulous Thrust and parry, and refined, light-hearted badinage.

Giving glimpses of some such moments, the 'Islami Jamhooriya' said:

Once during the talks, no one spoke for about half an hour; they were either staring at each other, or drumming the table with pencils or drawing random figures and sketches on the paper, or just meditating;

On another occasion, there was business talk for just 15 minutes, but they did not disperse, to avoid the impression that there was a deadlock;

At a point, Bhutto expressed surprise at the nine-party alliance (otherwise ideologically incompatible). The Prime Minister asked how was it that the alliance has held. Said Nawabzada Nasrullah: "You are the reason. If you want to see it disintegrate, you just quit; you will have your wish fulfilled."

Bhutto asked Maulana Mufti Mahmud: I believe there was a time when the faithful had to say fifty prayers?"

Mufti Sahib said 'Yes'.

Mr. Bhutto: How I wish it had stayed that way. That would keep you occupied with prayers, and we could rule in peace.

Mr. Bhutto asked Mufti Mahmud about his diabetes.

Mufti Mahmud: Thank God, it is now under control.

Mr. Bhutto: What causes this ailment?

Mufti Mahmud: Sometimes it is due to mental tension and worry.

Mr. Bhutto: What can be your worry?

Mufti Mahmud: You.

On yet another occasion the Prime Minister said that his side in the parleys had yielded many concessions. "What would you give us in return"? To which the Mufti replied: We Maulvis are used only to taking, not giving. Then he told the story of a Maulvi who was drowning. People rushed to save him. "Give us your hand", Cried one of them. Instead the Maulvi took another plunge into the water. Then some

wise men came upon the scene and said to the rescue party: Brothers what are you doing, asking him to give you his hand. Don't you realise he is a Maulvi? Say to him: Here take my hand. Then he will grasp it. So the advice was followed, and true enough, as some one shouted, 'Here, Maulvi Sahib, take my hand', the drowning Maulvi seized it instantly and came out. "So my friend", said Mufti Sahib, "we Maulvis only take. Giving is not one of our virtues (even if the alternative is drowning)."

King Khalid of Saudi Arabia had had a big hand in orienting the Government and the Opposition towards conciliation rather than confrontation by persuading both sides that any other course would signal a disaster past accounting. So the Saudi Ambassador, Mr. Riyadh Al-Khatib who had earlier also played an important role, was kept informed by both parties about the developments in the process of negotiations.

* * *

CHAPTER VIII

FINAL ROUND

On June 12, it was announced that a final round of talks would be held on June 14, no matter what the outcome might be - an agreement or a deadlock. The press reports on the morning of June 15 said that the talks had concluded successfully, and that Mr. Bhutto had agreed to hold fresh elections to National and Provincial Assemblies. He would provide a foolproof machinery to ensure free and fair elections to the satisfaction of the PNA. The elections would be held before the end of 1977, and the Government headed by Mr. Bhutto would continue till that time. Two subcommittees, comprising one man from either side were set up to work out the details.

This was an oral agreement, and soon after this the Prime Minister precipitately left on a tour of Saudi Arabia, Libya, Kuwait, United Arab Emirates and Iran. It was understood that he would sign the accord on his return from the four-day tour. According to PNA leaders they had been told that he would be going away to Larkana for a couple of days' rest. Perhaps he had reservations about the accord, and he wanted to buy time. Perhaps he wanted urgent consultations with one or more leaders of brotherly Muslim countries who had understandably shown anxious concern about the crisis in Pakistan and offered to help in any way they could.

The two subcommittees started preparing drafts of the modalities and mechanism for the implementation of the accord. It was then that snags began to appear, and differences between the two sides on vitally important details became more and more pronounced, reflecting mutually exclusive positions.

The negotiations were resumed after the Prime Minister's return; and after a succession of arguments and counter-arguments, the two teams hammered out a draft accord on July 2, 1977. This was done at the close of a 14-hour conference and it was followed by two successive meetings of the PNA Central Council, which was to ratify the accord.

The draft accord stipulated that fresh elections would be held in October 1977. The National and Provincial assemblies would be dissolved by the middle of July. Elections would be supervised by the Army and the Judiciary, who would also provide the returning and polling officers. The Election Commission would comprise five members, all of them Judges of the superior courts. A ten-member Implementation Council would be set up, with equal representation from both sides, to ensure fair elections. The Prime Minister would act as its Chairman and would have control on matters relevant to the elections.

As it happened, the accord was not approved by the PNA Central Council whose unanimous decision was announced to newsmen on July 3 by Mr. Asghar Khan but he declined to explain the real position in specific terms.

Reporting this, the Islamabad correspondent of Dawn said, July 3:

*"At about 10 in the night, the three-member PNA negotiating team, led by late Mufti Mahmud, visited the Prime Minister's House, to convey the Council's views to the Prime Minister, and also perhaps to seek some further clarifications in regard to some amendments incorporated in the draft accord at the instance of the Government team. The PNA team was in the Prime Minister's House for about an hour and was seen off rather unceremoniously. Photographers and newsmen who were waiting in the auditorium were not allowed to come out. There was no joint briefing, contrary to the custom at past meetings".

The talks seemed to be running off the rails, and both sides were equally vociferous in disclaiming responsibility for disruption.

Note:— *Dilatory tactics finally giving way to desperate use of official power.

It was felt by the Opposition alliance that in the draft accord the Prime Minister had been given even more powers than those he enjoyed under the Constitution. It appeared that the proposed Implementation Council had been reduced virtually to the position of an advisory body, with no powers at all.

There were rumours at the time that differences had arisen among the PNA leaders; also that their negotiating team had been, or may be, asked to resign. Briefing newsmen on July 3, Air Marshal Asghar Khan denied these rumours.

Asked to explain the real position, he reiterated the known facts: that the PNA had given its final draft; the Government made some more changes for the approval of the PNA Council; the Council, having considered them, came to a unanimous conclusion, which was being conveyed to the Government.

Mr. Asghar Khan also said, quite convincingly, that the Government and the PPP were run by one man and had no difficulty in such matters. But the Alliance had nine component parties, and had to move democratically to produce unanimity.

The Air Marshal declined to say how wide the gulf was between the Government's amendments and the PNA Council's views. But he did add that most of the Government's amendments, which were not liked, related to the powers of the Implementation Council.*

It was the view of the Government side that what the PNA had suggested in regard to the draft accord on July 3 was tantamount to reopening the settled issues.

At a press conference on July 4, the Prime Minister warned the PNA that the Government side could also reopen the issues which had already been settled if the PNA negotiating team could not honour its commitments on the settled issues.

Note:— *Bhutto in fact wanted to wriggle out of the commitment and tried to accord an advisory position to the Council instead of allowing it to be an implementation body. That is why he never agreed to make the body legal under a constitutional umbrella.

Mr. Bhutto said he was "ready to sign tomorrow morning the accord reached on Saturday (July 2) if the other side would prepare itself for it".

On their part the PNA leaders were equally insistent that they were keen to avoid a deadlock; and since most of the issues had already been settled, the PNA was anxious to settle the remaining ones also.

At a press conference called by the PNA Vice-President Nawabzada Nasrullah Khan (Islamabad, July 4) denied that any new points had been raised by his side. He said that the nine points given to the Prime Minister (on July 3) did not amount to reopening any of the settled issues.

Nawabzada Nasrullah said that the PNA Council was waiting for a reply from the Government to their comments on the draft accord conveyed to Mr. Bhutto by the negotiating team on July 3.

The PNA leader said that the press conference addressed by the Prime Minister without taking the PNA into confidence was "unfair". He alleged that the Prime Minister had tried to give a "false impression about the PNA."

Mr. Nasrullah Khan said that some of the nine points were those which sought to remove legal lacunae. For instance one of the points sought that the agreement should be signed by the Prime Minister on behalf of the PPP* and the Federal Government, and by Maulana Mufti Mahmud on behalf of the PNA. This, he said, was thought necessary, so that the accord should be binding on the parties concerned and not just the individual signatories.

He said that another point sought that the "removal of difficulties" clause should be retained in the Constitution.

With regard to the Implementation Council (dealing with matters related to elections), he said that the PNA wanted that it should be included in the Constitution as a Provision to give it legal cover, so that no one could challenge it in a court of law.

Note:— *PNA insisted on making PPP and not Bhutto individually responsible for the agreement.

Recalling the July 2 meeting between the Government and PNA teams, Nawabzada Nasrullah claimed that the Prime Minister had suggested certain amendments to certain clauses, and the wordings of some others were challenged. After the meeting it was made clear by the PNA representatives that the draft would be submitted to the PNA Council, and after the Council's ratification, the Government would be informed. He also said that at that long sitting many other matters were not discussed and were to be taken up later. It was decided that these remaining matters would be discussed by the Pirzada Ghafoor subcommittee. Therefore, he argued that to claim all the matters were settled was not correct.

In the early hours of July 4, the Prime Minister had declared that the question of reopening the accord reached between the Government and the PNA on Saturday, July 2, did not arise. He said that the Opposition could not deny that agreement had been reached. He added that the agreement had been finally reached between the two sides after discussion on every point - rather on "every word" - and it was only left to be signed.

Mr. Bhutto expressed his willingness to meet the PNA leaders again but said he would have to have further consultation with his Cabinet before that. The Government's stand was that before entering into negotiations late Mufti Mahmud had told the Prime Minister and foreign mediators that the decision reached in the negotiations would be honoured and no component party of the PNA would have a veto power.

It was never said, the Government side claimed, that decisions would have to be taken to the Council of the PNA for approval. In fact Sardar Abdul Qayyum had said in answer to a question by pressmen that no decision would be taken to the Council of any party. It was not needed, and the decisions would be binding on all the parties.

Prime Minister Bhutto asserted that he had entered into negotiations with the PNA on that basis. He recalled in detail how the PNA leaders had given assurances before entering into negotiations that no single party would have veto over the decisions arrived at between the Government and the PNA. This, he said, had been amply clarified by PNA leaders before foreign envoys who helped in bringing about the negotiations between the two sides.

Mr. Bhutto said that the PNA team consisted of the President, the Vice-President and the Secretary-General of the Alliance and had come to the negotiating table with a clear mandate from the nine-party alliance. The Prime Minister described as totally false the PNA assertion* that it had not given its team of negotiators the mandate to discuss its final draft with the Government.

The Prime Minister said that he had called a meeting of the Cabinet, which was joined by all the provincial Chief Ministers, excluding that of Baluchistan, Chiefs of Staff of the three Services, Chairman, Joint Chiefs of Staff Committee and the Director-General of the Inter-Services Intelligence to discuss the situation arising out of their (PNA) wanting to reopen the agreement.

Some idea of the thinking at this Cabinet meeting can be had from excerpts of the minutes reproduced in the White Paper. The relevant portion reads:

"The Prime Minister was pleased to observe as follows:

'In the meeting the day before, it was felt that no concession should be given to the PNA, and they should be asked to stick to the accord arrived at. The consequences of deadlock, however, had to be considered. There were important questions, like the country's image, stability and future to be taken into account.

'If the accord did not go through, the PNA would start an agitation. Even if it was assumed that the agitation could be controlled and law and order restored, at some stage negotiations would have to be restarted. Mere control of the situation in law and order terms would not solve the problem.

'Another important factor was that though the Armed Forces had stood by the Government, if there was another agitation they would be put to a severe strain".

Note:— *This assertion was made by the PNA but it was described as false by Bhutto to mislead the people.

So after the Cabinet meeting, the Prime Minister modified his stance of the early morning, and said that Finance Minister Pirzada would contact PNA Secretary-General Professor Ghafoor, after which a meeting of the two negotiating teams might be held.

In a report, datelined Islamabad, July 4, the DAWN said: The Government and the PNA are likely to resume their talks some time tomorrow to resolve what had yesterday and today appeared to be developing into a serious deadlock.

The weekly "Islami Jamhooriya', which at the time was faithfully reflecting the PNA viewpoint, said in its issue of 4 to 10 July, that is the one that came out on July 4:

The fourth of July dawned with an air of disquiet and foreboding caused by Mr. Bhutto's hardening attitude. But there was also a ray of hope that this was a temporary reaction and a pressure tactic...

"The most vital and basic issue is that of the powers of the Implementation Council. Now that Mr. Bhutto was inclined to raise its position from that of an ineffectual advisory body to one duly invested with power to act and have its decisions implemented, there was no reason why it should not be given a constitutional status to make its decisions enforceable without let or hindrance...

That is how things looked on the surface: another divergence on detail;another question of semantics, another difficult turn in the long and tortuous course of the negotiations between two sides with their mutual hatred and suspicion only partly dissipated by discussions, across the conference table.

CHAPTER IX

BEHIND THE SCENE

So the popular expectation was that negotiations would be resumed, and that also was the public position of the two sides. But as was to be disclosed later, there had been other menacing developments - developments that had turned the offer of reviving negotiations into an impudent charade which threatened to plunge the whole country into a bloodbath.

The White Paper has this to say on one of these:

As the agitation grew in intensity and depth, the Government recklessly started arming the workers of the ruling party and encouraging them to take the law into their hands...

...In May 1977 when the anti-Bhutto agitation was at its peak and the armed forces had been called into action in more than one city, Mr. Bhutto took the reckless and unprecedented step of making arms freely available to his political supporters. The Deputy Commissioners, long regarded as judicious custodians of law and order, were forced, in this highly inflammable atmosphere, to put firearms in the hands of unknown (and, by all indications, desperate) characters.

...On May 15, 1977...the Punjab Government removed a four-year old ban on the issue of arms licences to private individuals. Further, the Chief Minister issued an order permitting MNAs and MPAs of the ruling party to recommend 100 and 50 persons respectively for the grant of arms licences. In fact they were not only allowed but

encouraged to arm their friends and followers: Deputy Commissioners were asked to call MNAs and MPAs and "inform them of their entitlement".

"Similar orders were issued by the Chief Minister of the NWFP who also made it clear that District Magistrates must honour the MNAs' and MPAs' recommendations "immediately and without further verification".

..."This reckless step was followed by another measure, without a precedent in our administrative history: legislators of the ruling party were encouraged to wreak vegeance on their opponents by pointing them out to the authorities".

..."In addition to the large scale distribution of arms among the workers of the ruling party, it was known that many of them had acquired large quantities of illicit arms. The prospect became doubly menacing when in the middle of June 1977, while Mr. Bhutto was negotiating a political settlement with the Opposition, he patched up his differences with Mr. Ghulam Mustafa Khar and inducted him as his Special Assistant."

The White Paper quotes the following from the Supreme Court judgement in the Nusrat Bhutto case:

"Immediately on appointment in this capacity, he (Khar) started making belligerent speeches against the Opposition, which were given great prominence by Radio, Television and the Official Press".

So this was part of an elaborate *plan to reinforce the existing repertoire of repression, so that party workers armed to the teeth (including provision of sophisticated automatic weapons) could also be deployed as auxiliaries to the myrmidons of the law in stamping out the agitation in the event of a failure of the negotiations.

Note:— *A plan was hatched to eliminate the Opposition, intimidate and harass the people so that no one would dare go against the ruling party.

The armed forces had knowledge of this, and while they were prepared to stand by the Government - as they did - within the ambit of constitutional legality, their patriotism and over-riding sense of national honour and security could not but impose their own imperatives.

* * *

CHAPTER X

MILITARY INTERVENTION

By July 4, 1977 the leaders of the armed forces had apparently concluded that the negotiations were headed for a collapse that might plunge the whole country into a civil war. Acting with an almost surrealist swiftness, the armed forces promulgated Martial Law on July 5, and General Mohammad Ziaul Haq, Chief of the Army Staff assumed power as Chief Martial Law Administrator

Mr. Bhutto, his Federal Ministers and top PNA leaders were placed in protective custody. National and Provincial Assemblies were dissolved. All political activities were banned. This military takeover was given the name of "Operation Fairplay".

Chief Justices of the provinces were made provincial Governors. Mr. Yahya Bakhtiar was replaced by Mr. Sharif-uddin Pirzada as Attorney-General. A four-member Military Council was set up, and this Council appointed a committee to frame legal procedures necessary for the holding of free and fair elections.

At his first full dress press conference on July 14, 1977, The Chief Martial Law Administrator, General Mohammad Ziaul Haq alluded briefly to the critical period of Government-PNA negotiations and recounted how he and his other colleagues in the armed forces had been pleading with the Government of the day for a genuine effort to find a political solution. The General said, in part:

"...I had the privilege of attending most of the *Cabinet meetings where all these things were decided. On more than one occasion I tried to carry out my obligations. In most of the meetings I was not the only person representing the Army. We had practically all the senior officers present. All of us stressed upon the Government, in the name of God, to solve the problem politically.

"It was our constitutional obligation to make it quite clear to the Government that the problem was political, which had to be solved politically. We did that. Now I leave the conclusion to you and to posterity as to who actually forced the former Prime Minister to agree to the elections. I will not say anything more on it".

Before the General's press conference, the 'Afrasia', Lahore (in its issue of July 6, 1977) had shed some light on the proceedings of the fateful Cabinet meeting on July 4. In a panel under the title: "WHY MARTIAL LAW?" the paper said:

"The extreme reluctance with which the armed forces have promulgated Martial Law has no parallel in the past experience of Martial Laws in the country. The day Mr. Bhutto slammed the door of negotiations and said "if these people have come out with ten points today, they can bring more such points tomorrow", he also asked the armed forces to come once again to the aid of the civil power. He said that the army should adopt stern measures to teach these people (supporters of the Opposition) a lesson.

"At this meeting of the Cabinet, the Chief of the Army Staff, General Ziaul Haq was also present. He urged the Prime Minister to seek a negotiated settlement. Mr. Bhutto's aides, however, spoke in the same vein as their Chief. Mustafa Khar was particularly insistent on brutal suppression.

"Throughout this meeting, the leitmotiv was "Crush them". Twice they demanded of General Ziaul Haq to take the initiative and save the Government's position. Each time the General replied that they must strive for a negotiated settlement.

Note:— *Reference previous pages about Cabinet meetings and decisions taken.

"Bhutto fighting for his own survival could not see his way ahead except through cruel repression. He kept on insisting until the very end of the meeting. The outcome of his immoral stand was that he was ousted the next day and the armed forces did not allow their fair name to be tarnished.

"Bhutto had planned to put the Army once again in a calamitous confrontation with the masses that had risen against the discredited regime. That was bound to cause incalculable harm to the country and infame to its armed forces. The Soldier of Islam, bitten once, was in no mood to fall into the same trap again."

In a proclamation issued on July 5 the Chief Martial Law Administrator said that the Constitution of the country had not been abrogated, but some of its provisions had been suspended. President Fazal Elahi Chaudhry was to continue as Head of the State, while the Chief Martial Law Administrator would be the head of the Executive.

In a broadcast to the nation on radio and television, The General declared that he had no political ambitions. "I was obliged to step in", he said, "to fill the vacuum created by the political leaders. I have accepted this challenge as a true soldier of Islam.

General Ziaul Haq said that his sole aim was to organise free and fair elections, and he hoped that political parties would cooperate with him in this task.

Giving a broad picture of the situation prevailing in the country following the March'77 general elections, he said he could see no prospect of a compromise between the Pakistan People's party and the PNA because of their mutual distrust and lack of faith.*

It was, he said, to save the country from chaos and a more serious crisis that the Army had to act, as a result of which the Government of Mr. Zulfikar Ali Bhutto had ceased to exist.

General Ziaul Haq lauded "the spirit of Islam demonstrated during the recent movement.** He said, "it proves

Note:— *Please see the account of it in "The Final Round."

**The movement launched by the PNA.

that Pakistan, which was created in the name of Islam, will continue to survive only if it sticks to Islam. That is why I consider the introduction of the Islamic system as an essential prerequisite for the country".

"With regard to relations with foreign countries", he said, "I want to make it clear that whatever agreements, commitments and contracts have been arrived at by the previous government with other countries, I will abide by them".

The news of the army takeover was widely covered in the world press. The New York Times said in a frontpage comment that it had to happen in view of the "insurmountable differences" between the Government of Mr. Zulfikar Ali Bhutto and the Opposition alliance.

The US State Department declined to comment on the takeover, saying it was an internal development, but the Department spokesman expressed the hope that relations between the United States and Pakistan would continue to be cordial.

Inside the country there was a demonstrable sense of relief from the anguished tension and turmoil of the previous months. But though Pakistanis were no strangers to the experience of Martial Law, there was also a sense of sorrow, a feeling of the spirit turning sour, of a desolating self-doubt about the goals and possibilities of democratic self-realisation.

This was the third Martial Law* in less than three decades of freedom; and though it presented a benign and bloodless face, it ruptured constitutional continuity, and it proclaimed to the world - to the dismay of our friends and the delight of our denigrators - the shrieking failure of another of the myriad new nations to nurture the tender plant of democracy to maturity. The fact that the President was retained for the time being and the Constitution was not abrogated but only its provisions relating to personal and political freedoms suspended did not alter the plain truth that democracy had fallen by the wayside and that over the

Note:- *The first in 1958 by General Ayub Khan, the second in March 1969 by General A. M. Yahya Khan.

years politics instead of harnessing the intelligence and initiative of a free people for national construction had not progressed beyond the scramble for personal power and perks and patronage of office, and in the process brought the country to the very brink of the abyss.

This was a critical phase of national life, marked by both hazards and hopes. The public did not have a clear perspective of the situation, beyond the fact that the endurance, courage and sacrifices of a people stirred to the very core of their being had finally led to the ouster of a discredited regime.*

The grand question in everyone's mind was that of sincerity of purpose in an age not particularly virtuous in that respect. Was the Army's intervention in fact a holding operation, or did the General harbour any political ambitions similar to those of coup-makers around the world seeking legitimacy after the events?

In his first broadcast and on successive other occasions the Chief Martial Law Administrator affirmed and reaffirmed that he had to intervene at a time when the national horizons had been abruptly foreshortened, and he had acted on the principle that the safety of the nation and the integrity of the State is the supreme law (Salus populi est supreme lex).

In an address to newspaper editors (July 11, 1977) General Zia ul Haq reiterated his resolve to hold elections. He said the primary aim before the interim regime was the restoration of democracy in the country. "The regime", he said, "does not want to be identified with any particular camp or block. This applies to national as well as international politics. The only thing with which I would like to be identified is Islam and Pakistan".

On July 15, Justice Maulvi Mushtaq Hussain, Acting Chief Justice of the Lahore High Court, was appointed Chairman of the high-powered committee to formulate election procedures and laws. He was also to function as the Chief Election Commissioner. Besides, Mr. Justice Moulvi Mushtaq - a jurist of long standing and repute - there were

Note:— *The White Papers bear testimony to the misdeeds.

three other eminent jurists on the committee: Mr. Justice Nasim Hasan Shah; Mr. Sharifuddin Pirzada, the Attorney General and the famous constitutional lawyer, Mr. A.K. Brohi. A distinguished senior journalist, Mr. I.H. Burney (one of the many victims of thoughtless repression in the previous regime) was also named on the committee.

On July 28 a number of PNA and PPP leaders were freed, and limited political activity allowed from August 1, 1977. On September 15, the President issued a proclamation lifting the state of emergency that had been in force since November 23, 1971. The President also promulgated an Ordinance repealing the Defence of Pakistan Ordinance 1971 (giving the executive arbitrary powers of arrest and detention and other curbs on fundamental freedoms). On September 22, 1977 the Chief Martial Law Administrator annulled the amendments to the Constitution to the extent that they affected the integrity and independence of the Judiciary.

One of the grave distortions, that only thinly veiled the smug justification of oppression and unbridled use of State power by the ousted regime had been a succession of amendments to the Constitution*. These had been sold to the people by the paid pipers of the regime as necessary in the interest of national security.

In particular, as the Amnesty International had noted, the Fourth and Fifth Amendments had seriously curtailed the powers of the High Courts by withdrawing their power to grant bail to political prisoners on trial, or to issue writs of habeas corpus under the ordinary criminal code procedures.

The Fifth Amendment had removed, the Amnesty report said, "any conceivable judicial control of legislative and executive action which infringes human rights...political prisoners were thus deprived of a fundamental safeguard against arbitrary imprisonment, namely the right to challenge in a court the constitutionality of laws, rules and orders pertaining to their arrest, detention and imprisonment".

Note:— *There were as many as six amendments to the Constitution. The 1st one having been made a day before the ouster of the regime much to the detriment and against the interest of the people.

By invalidating those atrocious excesses misnamed constitutional amendments, the Chief Martial Law Administrator created an impressively upbeat reaction, a reinforcement of confidence in his wisdom and credibility as a defender (albeit within the constraints of extraordinary conditions) of the rule of law and the power and independence of the Judiciary.

A press note issued by the Secretariat of the Chief Martial Law Administrator on the occasion aptly said:

"...The profound distrust of the superior Judiciary, which characterised the working of the previous regime has had many serious and deleterious effects on national life...It is hoped that this step (annulment) will prove an important milestone in the path to the restoration of normal constitutional procedures".

Many thousands had been arrested during the post-election uprising, with the Opposition putting their number at 50,000 and the Government of the day after repeated denials and evasions eventually acknowledging the number as 13,000. Following the imposition of Martial Law virtually all of them were freed.

Unlike other coup-makers, General Ziaul Haq made no grand gestures, discouraged any attempt to paint him larger than life. Exuding a sense of steely austerity, he affirmed his commitment to democracy not as a promise of the distant future, some shining target on the far horizon but as an essential precondition for a future of promise. And he set himself the painstaking task of cleansing the body-politic and preparing the ground for the restoration of democracy. He repeatedly declared that he was resolved to see that a clean political campaign was conducted, with equal chances afforded to both sides through the armed forces' impartiality. He felt confident, he told newsmen on one occasion, that fair and impartial elections would make it possible for a stable new government to emerge with either the former Prime Minister or the Opposition PNA at the helm of national affairs*.

Note:— *Till then all the misdeeds of the Bhutto regime had not come to light. President Zia wanted to give a fair chance to both the parties to contest the Elections and form a government.

Enough time, he said would be allowed to politicians for electioneering but no processions would be allowed. Both sides would be given equal opportunity to hold meetings and would be given equal time on the Government-controlled media, radio and television. The Army would ensure that election malpractices which led to the crisis in the past were not repeated.

The election staff was drawn from the defence forces and the judiciary, and the regime sought to ensure that the election rules provided the maximum safeguards that were humanly possible against electoral malpractices. A code of conduct was drawn up to ensure that politics was conducted, as the General said, "with dignity, maturity."

In order to help the voter to a full and correct picture of the likely contenders, a Martial Law Order was issued, which required all candidates for the October polls to declare their assets and liabilities as in 1970. The candidates who had previously held public office were also asked how they benefitted themselves or their relations and friends from their position of power and influence.

In his press conference of September 1, 1977, General Ziaul Haq refrained from expatiating on the crude and offensive misdeeds of men in power who battened on public misery and amassed huge fortunes at home and abroad through a gross and vicious abuse of their official positions. He simply stated that the provision for declaration of assets, the disqualification of those found wanting in probity and rectitude, would "make easier the task of the voters to choose the right type of representatives.

In his discussions with political leaders General Ziaul Haq stipulated that all parties in their programme and manifesto should give priority to national unity and Pakistan's integrity and should not encourage regional prejudices or sectarianism. Also that parties should work for establishing an Islamic order. This, because the country had been created in the name of Islam and would survive and flourish only by holding fast to Islam*.

Note:— *Right from the beginning General Zia in strong words advocated that the Islamic ideology which was the basis of Pakistan's coming into being should be adhered to by all the parties.

The General's exhortation to the politicians not only reflected the strength and authenticity of his own commitment to Islam. It also pointed up an essential requirement for the survival and flowering of democracy in the country.

Commenting on the Martial Law, the newspaper, Dawn, said in an editorial, July 7, 1977"

"With the assumption of the country's administration by the armed forces and the promulgation of martial law, Pakistan has entered a new phase in its chequered political career. The perilous confrontation that began with the falsification of the popular verdict on March 7 is now behind us. After stumbling from deadlock to deadlock, the nation is now able to look forward to the future without trepidation. A tranquil mood already seems to have descended upon the country, with the Chief Martial Law Administrator's solemn undertaking that elections will be held in October next followed by transfer of power to the elected representatives of the people...

"...Now that we have emerged intact, though bruised, from the nightmare of the recent upheaval, we must reaffirm our faith in the settled principles that are supposed to govern the organisation of our polity..."

Newspapers also reported massive public support to the armed forces for taking over the administration of the country, from what they called a corrupt and repressive regime. Messages of support came from politicians, trade union leaders, spokesmen for the minority communities and the Chambers of Commerce and Industry.

Jurists and lawyers hailed what they called the "timely dismissal" of the Ministers at the Centre and the provinces, and the dissolution of the "unrepresentative National and Provincial Assemblies".

In a resolution adopted by the Pakistan Bar Council in Lahore, the lawyers assured full support to the new administration and expressed the hope that to create a sense of security in the people and rehabilitate their confidence in the rule of law the government would release all those detained, arrested or persecuted for "political, parochial or

vindictive considerations since December 1971, and more particularly during the last elections and the national movement against the rigging of polls".

It was obvious that after the CMLA's proclamation of Islam's categorical imperatives as the framework within which political parties must operate, there could not be any acceptable dilution of this principle or semantic confusion by a subtle-seeming compartmentalisation of Islam in particular fields and aspects of national life to the exclusion of others.

* * *

CHAPTER XI

Democracy can democratically reject itself and opt for dictatorship - and this is the paradox of democracy...

Sir Karl Popper.

THE GENERAL'S ELECTION PLEDGE

It was widely felt that in the context of the recent past, which had been marked by a systematic dismantling of the democratic procedures and protections, rampant corruption and hideous inhumanities inflicting deep hurt to the national ethos, it had become a matter of crucial importance that elections must be demonstrably free, and fair. Only then could the country hope to rediscover a peaceful momentum for its political life, which had too long been dominated by little despots alien to the democratic and Islamic heritage of Pakistan.

"Democracy", as General Ziaul Haq said, "has not been given a chance to flourish in the country during the last 30 years. There has been much talk of democracy, but no concrete steps have been taken to enforce it...Despite this I firmly believe that democracy's plant shall not only take root in our country but shall eventually become a towering tree.

"Two categories of people can give this belief a practical shape: They are voters and political leaders...I say this to the leaders of my nation that for God's sake always keep the interest of the country and the nation in view.

"My request to the voters is that they should consider the vote a sacred trust of the nation and should only vote for one who is a true Pakistani and a Momin*.They should

Note:— *"Momin" signifies a true faithful, God fearing who does not indulge in vices and is just honourable and upright.

not put their vote to a questionable use, because they are answerable to both God and the nation."

Inexperienced in the exercise of their vote, the majority of them unlettered and in many areas only just beginning to cast off the shackles of feudal tyranny and still for the most part swayed by tribal, clannish, regional and linguistic affinities the electorate was exposed to temptations and threats (not easily detectable or actionable). But, of course the General's advice was in no wise misplaced. Indeed it was a necessary caution against the blandishments of unscrupulous politicians.

The stage was thus set for the October poll; but very soon there came to the fore such frightening evidence of unspent hatred between the rival parties, with violence answering violence in brutal outbursts that the resulting situation obliged the Martial Law regime to postpone the elections. This was done after pondering the ambivalent sentiment and opinion for and against the postponement.

The Chief Martial Law Administrator acted with great reluctance, for he seemed fully aware of a probable riptide of adverse publicity at home and abroad, apart from an element of personal regret that this would mean he would not be able to fulfil a solemn pledge he had given to the nation.*

As it turned out, the decision was rather well received, though there was naturally an edge of disappointment and a pervasive sense of deferred hopes. There were those among the contenders who feared that any delay might dissipate the public esteem and support that they had won more by ascription than by achievement.

In his broadcast to the nation on October 1, General Ziaul Haq put the whole issue in perspective and spelt out the compelling reasons for postponing the elections until the process of accountability was completed. He recalled his original pledge to hold fresh elections and the repeated affirmations of that pledge from time to time. He said:

Note:— *Postponement of elections was much to the dislike of Gen Ziaul Haq. It was at the behest of some leaders of the PNA who wanted postponement as they were not themselves prepared for the polls. The General explained the circumstances in his broadcast to the nation on October the first. It had also become necessary as grave charges had been levelled against those in power in the ousted regime.

"A number of persons asked me as to why I kept on repeating October 18 as the election day. They felt it would be better if I kept the election date open. A number of political leaders during their private talks with me insisted that I should not insist on October 18, because matters more important than elections needed my immediate attention. I was advised to settle those first and later attend to the elections.

"Some of these gentlemen went even to the extent of suggesting that under the present circumstances there was no need to hold elections at all. I listened to none of them and I stuck to my earlier decision. It was so because to hold elections was not only my pledge to the nation, but it also reflected my firm faith. Even now I hold on to the position that except in a crisis the Army should not be holding power and should keep aloof from active politics.

"The right to rule belongs to the people alone, who should run the government through their chosen representatives. I also believe that if the country is faced with a grave crisis, then it is the moral and national duty of the Armed Forces to intervene to save the country, but they should return to their professional duties after restoring the democratic process as soon as possible".

Having given this clear definition of what he considered to be the military's proper role, and having reaffirmed his commitment to a freely elected representative government, the General proceeded to recount the developments that forced him to alter the election schedule without affecting the primary aim of putting the country back on the road to democracy.

Before full-pledged electioneering began on September 18, a code of conduct, approved by all the political parties, had been promulgated by the Chief Martial Law Administrator. But this was observed more often in the breach, and electioneering quickly threatened to degenerate into a macabre carnival with the endless stream of inflammatory rhetoric, relentless rancour and towering passions on both sides intent on outdoing each other.

"In such an atmosphere of violence", said the General, "a parallel development is the acts of subversion which have occurred in certain parts of the country.These events are a pointer to the storm which certain political leaders are trying to raise in this country...

"Today", he added later, "the unfortunate position is that the common citizen is suffering from a sense of fear and anxiety, and is a victim of uncertainty. It is not possible to hold free, fair and impartial elections this year".

Two days before the General's announcement the newspaper DAWN summed up the situation in an editorial, and highlighting the inevitable complexity of the choice confronting the interim regime, tended towards the end to a guarded advocacy of the postponement. It said:

"As October 18 draws inexorably closer, a serious doubt is gnawing into the minds of thinking men. Should we go ahead with the elections as scheduled when some prominent contenders are facing a whole range of charges in superior courts - or should we postpone them until the judicial process pronounces them free from blame or confirms the guilt of the accused?...

"...Elections without sorting out the accountability issue could lead the country into a deep crisis of confidence. A postponement, on the other hand, could give rise to strong misconceptions about the objectives of the interim Martial Law regime and even to a question of its motives. In both cases crucial political discords could arise, yet a choice has to be made - and now.

The paper recalled how "a rash of disclosures of irregularities and even criminal acts allegedly committed by the former Prime Minister and his close associates" had become

the focus of attention. Mr. Bhutto and some of his colleagues had been formally charged by the Lahore High Court on some counts, the most serious being involvement in a political murder. The paper said:

"The mere thought of allowing people suspected of murder to participate in the elections and, possibly, to assume power gives rise to a shudder...Also, denying them the right to participate in the elections before the suspicions have been turned into a verdict would be arbitrary and manifestly unjust. The remedy, it appears will be to complete the process of accountability before the elections..."

In fact, it was Pir Pagaro, President of the Pakistan Muslim League and a PNA leader who had first demanded of the Martial Law authorities on September 20 that the "most important issue of accountability of former Prime Minister Bhutto and his colleagues and the question of law and order in the country should be settled first and then the elections should be held.

Pir Pagaro said that interested elements and paid workers of the former regime were trying to create problems of law and order. He further said that he could with full responsibility disclose that a programme to cause clashes between tribes and classes and to arrange wholesale murder had been chalked out and, if not checked in time, there might be complete chaos in the country.

The PNA chief, Late Maulana Mufti Mahmud also stressed accountability before polls. Speaking in Faisalabad (Lyallpur) on September 30 he said that accountability of former Assembly members and the verdicts of High Courts and the Supreme Court were essential before elections. He said the former Prime Minister deserved to be punished for his misdeeds.

Speaking the same day (September 30) in Quetta another prominent PNA leader, Mr. Sherbaz Mazari, President of the National Democratic Party (NDP), said that he would not have any objection to October polls being postponed in the interest of the country. But he maintained that "there must, however, be concrete reasons to justify postponement of the elections. He said that the PPP leaders were trying to pollute the political atmosphere in the country by making provocative speeches. He particularly referred

to inflammatory speeches of the former Prime Minister's daughter, Benazir Bhutto, and said that they amounted to an open invitation to plunge the country into a bloodbath.

In Karachi, the same day, the Acting Chairman of the Pakistan People's Party, Begum Nusrat Bhutto reiterated the party's demand that elections be held on the promised date (October 18), adding that if the democratic process was blocked the doors of revolution would be opened.

Addressing the party's first major election meeting in the city she said that Punjab was ringing with pro-PPP slogans and the mounting flood of the party's popularity had overtaken Karachi. Asserting that the existing political crisis could only be resolved through the ballot box, the PPP leader said that an election was an effective process of accountability: people would not vote for persons they reject.

At the PPP meeting, Maulana Kausar Niazi, then acting Secretary-General of the party, also stressed the need for the polls to be held on schedule.

Air Marshal Asghar Khan, President of the Tehrik-e-Istaqlal and PNA leader had said on a number of occasions that the date of the election was not sacrosanct, and it would be fair both for the people and the PPP leaders if the cases against them were decided before the elections. The Tehrik chief was, however, thinking of a few days' or a few weeks' postponement - a "slight" postponement, as he said.

The Air Marshal was obviously among those PNA leaders who were persuaded that the mass movement had demonstrated that the overwhelming majority of the people would back the Opposition leaders in the elections. Others perhaps were not so sanguine. PPP leaders like Maulana Niazi were apparently moved by the feeling that Mr. Bhutto's charisma and vested interests in many constituencies might still rake in a sufficient number of seats, and that accountability may throw up damaging evidence.

Giving details of the imperative and process of accountability, General Ziaul Haq said that investigations had thrown up a lot of dirt:

"Institutions of national importance have been rendered

hollow during the last five or six years. The civil administration was politicised and was harassed and made ineffective... The country was subjected to a reign of terror...Inhuman tactics were used to maintain power, and political opponents were silenced through unfair means...It is the duty of the courts to take cognizance of these matters...*

"...After consulting my colleagues and companions I have decided that these facts should be brought before the public through the courts of law before the elections are held. To keep these facts under a veil would be a moral and social sin".

The process of thoroughgoing accountability, commanding universal respect and acceptance, without any reason for suspicion, required due process in the established civilian courts of law. General Ziaul Haq reversed the earlier decision to try the accused in military courts. Cases were to be heard in open civil courts or special courts comprising High Court judges. All the newspapers, local or foreign, would be able to report the proceedings. The accused were to be given full facilities to clear themselves by producing material to prove their innocence.

There was a plethora of cases against the former Prime Minister and his Cabinet or party colleagues, the charges ranging from political murder, high treason, corruption, gross financial malfeasance down to a systematic policy of repression and an unconscionable use of terror to silence all voices of dissent.

Justice demanded that none of them should be deemed to be guilty unless so proven in an open trial by a duly constituted court of law. On the other hand, those found guilty must pay their crime's forefeit, which would include disqualification from contesting elections.

The same applied to declaration of assets by candidates who had previously held public office. Those found guilty of acquiring assets through unlawful means would not be eligible to fight elections. "It will be yet another mistake",

Note:- *So much of it had been concealed that the CMLA was forced to bring it to the notice of the courts of law for dispensation of justice and open trials for the benefit of the people.

as the General said, "to allow these persons to plunder the national resources once again. But I wish to clarify that these individuals will be given full opportunity to clear their names".

The governing principle was to clean up the mess, "so that the country may get a leadership free from any taint". There was, and is today, a wide measure of agreement among thinking people that in the peculiar conditions of the country and in the middle of the complex problems inherited from the recent, and not so recent, past, it was not enough for the elections to be free and fair in respect of the administrative part of the hustings. To be meaningful the elections must also enable the electorate to choose the right kind of representatives for the management of national affairs, people with a reasonably blameless past, duly imbued with faith in the centrality of the country's ideological heritage and possessed of a demonstrable quality of commitment to national purpose.

In the period that followed the postponement of the elections, that is, from October onward the hope was that the courts would be able to give their verdict expeditiously and thereafter it would not be too long before a fresh date for the elections was announced. Also that during the additional time in which the armed forces would continue to run the administration of the country it might be possible to initiate the basic steps for the enforcement of an Islamic system, for the rehabilitation of the national economy ravaged by years of misdirection and mismanagement, and for effectively depoliticising the civil administration - to name only a few of the complex problems and needs that were all clamouring for attention and which indeed were such as to tax the ingenuity and resources of any government for a long time.

Last, but not least, the hope was that political leaders, waiting for their next chance, might also do a little profitable soul-searching and reassess their performance and strategy. It would be good for them and for the country if politicians - those pushed from power to lick their wounds in disgrace, as well as those wearied by long years in the wilderness - came to a tacit agreement on the limits of politics. Those hopes and expectations - of a fresh moral significance in national politics by a powerful injection of intellect and conscience - were to remain unrewarded as

subsequent events and developments showed many of the political aspirants - honourable exceptions apart - still answering to Walter Lippmann's description, more than half a century ago, of politicians as "insecure and intimidated men" who advance politically as they "placate, appease, bribe, seduce, bamboozle or otherwise manage to manipulate the views and votes of the people who elect them".

The PNA had been from the outset a coat of many colours, a coming together of very unlike-minded persons, an adhoc electoral conglomerate, pitted against the ruling PPP. Their animating spirit was their antipathy to Mr. Bhutto and the wish to see him removed from office. That was also the popular demand and the PNA sailed along famously on the crest of the massive movement, which had no parallel or precedent in the history of South Asia. But once Mr. Bhutto was ousted, the PNA began to lose its focus of orientation. They had no other common minimum programme to give the alliance a cohesive ethic.

As General Ziaul Haq had pointedly observed, the PNA's insistent demand for an Islamic polity, that was later to be voiced with an increasing militancy of tone and rhetoric, was rather an afterthought to gain political mileage. Nizam-e-Islam, said the General, "did not even figure, much less have top priority, in the manifestoes of any political party in the beginning". It was the people who "thrust" it on the political leaders. In any case the public protestations of adherence to an undefined concept of Islamic polity were not enough to maintain the unity of Alliance. Nor did they add to the potency of their appeal as individual components.

Strains soon began to show and deviational trends appeared soon after. At a press conference in Lahore, (October 10), the President of Tehrik-i-Istaqlal, Air Marshal Asghar Khan observed that he did not foresee the break-up of PNA in the near future. He added, however, that it depended on the situation, and that the PNA structure would be reviewed accordingly. Mr. Asghar Khan had said on an earlier occasion that the Tehrik could "fly solo or in formation". He gave a broad hint to newsmen in Islamabad (October 14) that his party would review the feasibility of maintaining the PNA's unity after the process of accountability against the PPP Chairman and his party colleagues was over.

The Tehrik leader was asked if he subscribed to the view that the PNA would have no justification to exist as one entity after Mr. Bhutto was convicted and the PPP ceased to be political force. He avoided a direct answer but added that at that stage "we will have to think of the advisability of retaining the PNA as one party".

Differences between the components of the Alliance had first surfaced at the PNA Central Council meeting in Lahore, October 8, which considered the situation arising out of the indefinite postponement of the elections. Nisar Osmani, Chief of DAWN's Lahore Bureau, said in a despatch:

"Although the leaders of the component parties are tight-lipped over the vital question, there are strong indications that the PNA is not as united as it was before the announcement of polls postponement. The Tehrik and JUP circles are understood to be bitter over the fact that by openly demanding the postponement of elections, some responsible leaders of the Alliance had defied the decisions of the Central Executive taken at its meetings in Karachi and Quetta".

The Dawn correspondent also referred to a report appearing in the Urdu daily, "Siyasat", Lahore, under the headline: "The aeroplane is ready to take off alone".

A facade of unity, however, continued to be maintained for some time, and PNA leaders such as Secretary-General Professor Ghafoor Ahmad maintained that PNA's was not a one-point programme (Bhutto's ouster) but envisaged the establishment of a government to give the country an Islamic system "to resolve all our problems". He asserted that unity in the ranks of the Alliance was "absolutely essential for attaining its national aims and objectives". He said at the Karachi Press Club, October 22: "I believe that our Alliance will continue and become stronger".

The secretary-General was obviously making a rhetorical remark, for he must have known that unity was not more than a fragile hope. On November 11, the Tehrik announced its decision to withdraw from the Alliance. Air Marshal Asghar Khan conveyed the decision formally to PNA President, late Maulana Mufti Mahmud, and the text of his letter was released at a press conference in Islamabad, along with a five-page statement enumerating the circumstances

that had led the Tehrik to take the step.

The statement levelled some grave charges against the PNA leadership, particularly the members of its negotiating team (late Mufti Mahmud, Nawabzada Nasrullah and Professor Ghafoor) which had talks with the former Prime Minister before the imposition of Martial Law. The statement said that "the Alliance in its present shape lacks the capability to fulfil the aspirations of the people" and of "forming a government that would be stable and competent to solve the problems of the 20th century".

In his letter to Mufti Mahmud the Tehrik chief had alleged that "the PNA because of its faulty policies and indefinite programme has created for itself the image of a reactionary group" and was "unfit to shoulder the responsibilities of running the country". The Tehrik leader also accused the PNA of displaying contradictions, narrow parochial interests and organisational inefficiency.

The statement recalled the differences that existed between the Tehrik and other parties, which had formed an alliance called the United Democratic Front (UDF) during the civil disobedience of 1973. (Most of these formed part of the PNA). The statement singled out Jamiatul Ulema-i-Pakistan (JUP) as the one party, which had been and was reckoned as more or less close to the Tehrik's viewpoint.

Pointing out the many differences that persisted between the Tehrik and other Opposition groups during the five years of the PPP regime, the statement said:

"In spite of these differences, Tehrik-i-Istaqlal has striven steadfastly and sincerely for the success of the Alliance since its inception. It accepted a very low quota of seats in the elections and did not break away. Even when the agreed quota was not fulfilled, Tehrik agreed to go along. At every level of the Alliance, its councils, committees, members of the Tehrik maintained their cooperation with members of the UDF parties in the face of scandalous lack of punctuality, violations of joint decisions and absence of competence. On all important issues the Tehrik was outvoted by the UDF parties.

"Members of the Tehrik were in the front ranks of the agitation which followed the rigging of elections in March 1977. The vast majority of the people of Pakistan had risen against the Bhutto regime. Tehrik made every sacrifice within its power to ensure that the people's struggle was crowned with success.

"The sacrifices of martyrs and the tortures suffered by thousands of demonstrators and the courage shown by thousands of men and women, workers, peasants, students, ulema and the lawyers of Pakistan finally brought down Bhutto. This glorious achievement of the people will go down in history.

"Tehrik-i-Istaqlal will not allow these sacrifices to go in vain. Yet certain office-bearers of the Alliance, in complete disregard of the sacrifices of the people and their demand for the removal of Bhutto and the holding of fresh elections were prepared to strike a bargain on the basis of the 'Yahya Bakhtiar Formula' (fresh elections in the provinces, and if the Opposition secured the majority of the seats, re-elections to the National Assembly) which allowed Bhutto to stay as Prime Minister and denied the necessity of fresh elections. Tehrik stood firmly against such moves.

"Later, when all the cruelties that Bhutto could inflict had failed to suppress the spirit of the people and he had no choice left but to quit the Prime Minister's office, the Alliance fell into the trap of negotiations despite Tehrik's warnings.

"The negotiating team, whose selection was manoeuvred by Bhutto, committed itself to an agreement which allowed him to stay as Prime Minister against the express decision of the General Council of the PNA. Tehrik refused to be a party to such an agreement and, but for Tehrik's determined opposition, the negotiators of the Alliance would have signed that agreement and given Bhutto the opportunity to rig another election, eliminate the leaders who opposed him and in addition murder hundreds of important political workers. The documents and evidence produced before the Supreme Court have confirmed the suspicions of the Tehrik that certain persons holding key positions in the PNA were working in collusion with Bhutto.

"In a document signed by him on June 3, 1976, Bhutto had approved the following proposal:

'Stop Air Marshal Asghar Khan from assuming the leadership of the Opposition. There is already a strong resistance to him in the UDF and this can be strengthened by working on Nawabzada Nasrullah Khan and elements in the Muslim League...'

"Again, in his statement before the Supreme Court, Abdul Hafeez Pirzada had stated that late Maulana Mufti Mahmud and Nawabzada Nasrullah wanted help from the Government to force those who disagreed with them within the PNA to come to a settlement (reported in Pakistan Times, Lahore, 24 October 1977).

"Pirzada added that the 'statement issued by Mr. Bhutto that if the PNA could go back on its word so could the PPP, was meant to pressurise the other side in such a way that the dissidents gave up their opposition to the accord'.

"It is significant that neither of these disclosures which undermined the Alliance has been denied by the persons involved. These and other disclosures made in the Supreme Court and the High Courts throw a searching light on the true intentions of the PNA leaders.

"The PNA Council has demonstrated by the manner in which it has been dealing with the problems before and after the 5th of July that it lacks the unity and efficiency to do justice to the responsibilities of government. The Council, for instance, could not resolve the question of allocation of a few seats among different parties for nearly six agonising weeks. A number of parties adopted the course of grabbing the maximum number of seats by whatever means they could, throwing to the winds the commitments and discipline of the Alliance...

"In spite of repeated promises to the public that a revised manifesto would soon be published, PNA has not been able to arrive at an agreed manifesto covering a programme of action for solving the problems facing Pakistan and its people...

"In the political field the decisions of the PNA regarding allocation of seats have created conditions of grave political

imbalance. The Pushto-speaking and the Baluch citizens of Pakistan cannot be denied the right to choose their representatives from among all the political parties of Pakistan. No political party of national status can accept such a situation.

"...Tehrik has pointed out that the principal objective to which all parties must subordinate their thinking after the removal of Bhutto from the seat of power is to prepare a dynamic programme and project a government that would win the support and confidence of the masses of Pakistan... The Tehrik is convinced that while the PNA filled the need for leadership in the struggle to remove Bhutto from power, it has not demonstrated the capability of leading the people to victory in the next election and forming a government that would be stable and competent to solve the problems of the 20th century."

The statement showed an arrogant, "holier than thou" attitude, and levelled sweeping charges against the rest of the PNA leadership. The PNA Chief late Maulana Mufti Mahmud, and the Secretary-General, Professor Ghafoor has issued appeals that the leaders of the various components should desist from making statements that could "create or accelerate uncertainty and restlessness among the people". Professor Ghafoor asserted that unity in the PNA was essential and of vital importance to rid the country of the crisis, to restore democracy and clean politics and to redeem the pledges of setting up an Islamic order in the country. But the components of the PNA had other ideas.

It was, however, becoming apparent that the star cluster of the PNA was a shaky coalition of ideological incompatibles. None of its major components reflected either internal cohesion, or the clarity of vision encompassing the range and complexity of national issues.

That was not strictly their fault. Very soon after achieving independence, even before Ayub's martial law and the following years of controlled democracy, politicians found themselves operating under a system in which political competitiveness was ruthlessly eliminated. This inevitably resulted in fragmenting the political culture and reducing the national political process to petty politicking of a narrow regional inspiration.

Parochial prejudices and other perceptual rigidities (including sectarian, tribal or clannish solidarities) became the hallmark of political aspirants who saw little purchase in the articulation of national political values. Skill in palace intrigue and the ingeniously hatched deal between fellow politicians, rather than the capacity to mobilise masses, became the key to a successful political career.

During the six years of the PPP regime the same trend became more and more remorseless, as political mobilisation was deliberately discouraged and the domination of one party sought to be imposed by all kinds of devious devices.

None of the PNA components could claim a truly national following, and their very real political, personal and doctrinal divisions, which had been pushed under the rug to produce a kind of skin-deep unity during the mass movement, were now coming to the fore.

While the PNA was beginning to fall apart, the focus of national interest and attention was turned away from the accusations and acrimonious exchanges between their leaders to the cases in law courts: the High Court in Lahore and Supreme Court in Islamabad/Rawalpindi – both concerned with the former Prime Minister either as the principal accused or the aggrieved party.

Begum Nusrat Bhutto had filed a petition in the Supreme Court challenging the detention of former Prime Minister Zulfikar Ali Bhutto and ten other leaders of the People's Party under the Martial Law. The hearings began on September 20, 1977 and judgement was given on November 10, 1977. In a unanimous verdict by a nine-member bench headed by the Chief Justice, Mr. Justice Anwarul Haq, the Court upheld the imposition of Martial Law in the country on July 5, 1977 by the Chief of Army Staff, terming it as a State necessity.

Dismissing Begum Bhutto's petition, the Court observed that after massive rigging of elections followed by a complete breakdown of law and order, bringing the country to the brink of disaster, the imposition of Martial Law had become inevitable.

Stating that the military takeover was justified under the Doctrine of Necessity, the Court held that the Chief

Martial Law Administrator was entitled to perform all such acts and promulgate all legislative measures which had been consistently recognised by judicial authorities. It rejected the contention of Begum Nusrat Bhutto's counsel that the detention of Mr. Bhutto and 10 other PPP leaders was not valid and was malafide. The verdict said: "The contention does not hold".

Reading out the relevant portions of the judgement the Chief Justice said that the proclamation of Martial Law on July 5, 1977 was an extra-constitutional step necessitated by the complete breakdown and erosion of the constitutional authority of Mr. Bhutto's government as a result of an unprecedented protest movement launched by the Pakistan National Alliance against the alleged massive rigging of elections on March 7, 1977.

It was a situation, the judgement said, for which the Constitution provided no solution, and the armed forces had to intervene to save the country from further chaos and bloodshed, to safeguard the integrity of the country, to separate the warring factions which had brought the country to the brink of disaster.

The judgement also recalled the submission made by the Attorney-General, appearing as the Law Officer of the court, in support of the Federation's counsel that the change which took place in Pakistan on July 5, 1977 did not amount to usurpation of State power by the Chief of the Army Staff, but was in fact intended to oust the usurper, who had illegally assumed power as a result of massive rigging of the elections of March 7.

The Chief Justice said that the court would like to state in clear terms that it had found it possible to validate the extra-constitutional action of the CMLA* (Chief Martial Law Administrator) not only for the reason that he stepped in to save the country at a time of grave national crisis and constitutional breakdown, but also because of the solemn pledge given by him that the period of constitutional deviation shall be of as short a duration as possible.

By the period of constitutional deviation, the court meant, of course, the period between the Martial Law takeover and the holding of elections.

Note:— *Law of necessity propounded.

The court said it expects the CMLA to redeem his pledge which must be construed in the nature of a mandate from the people of Pakistan, who had by and large willingly accepted his administration as the interim government of Pakistan.

The judgement went on to note that it had become clear from a review of the events resulting in the culmination of Martial Law and the declaration of intent made by the Chief Martial Law Administrator that the 1973 Constitution still remained the supreme law, subject to the condition that certain parts thereof had been held in abeyance on account of State necessity, and that the President of Pakistan as well as the superior courts continued to function under this Constitution. Accordingly, the Chief Justice said, the superior courts continued to have the power of judicial review to judge the validity of any act or action of the Martial Law authorities if challenged in the light of principles underlying the law of necessity as set out in this judgement. Their powers under Article 199 of the Constitution thus remained available to their full extent and might be exercised as heretofore, notwithstanding anything to the contrary contained in Martial Law regulations or orders.

The court held that the conditions prevailing in the country were such as to make it legitimate to suspend the right to enforce fundamental rights.

According to the Supreme Court verdict the new dispensation acquired its effectiveness owing to its moral content and its promise of restoration of democratic institutions within the minimum possible time.

The second case related to the former Prime Minister's involvement in a political murder: that he conspired to liquidate a recalcitrant former member of the Pakistan People's Party, Mr. Ahmad Raza Kasuri, but the bullets that were meant for the dissident former MNA killed his father*, as the car in which both were travelling was ambushed by the assailants.

The case had been instituted when Mr. Bhutto was in power, but it was soon dead-ended because the course of investigations was cunningly misdirected by scheming

Note:— *Nawab Mohammad Ahmad Khan Kasuri.

officials to save their master. The fact that even at that time there was some one at the lowest level of the precinct police station who dared to include the former Prime Minister's name as the principal accused in the First Information Report (FIR) induces the reflection that though villainy and vicious skullduggery might be the more common characteristics of a brutalised police force under a repressive regime, there are always exceptions that stand out. Their probity may unwittingly turn the course of history.

The case was revived after Mr. Bhutto s' ouster, and it dragged on for months in the Lahore High Court and later, in appeal, in the Supreme Court of Pakistan. There was in fact a plethora of cases against Mr. Bhutto and his former colleagues in the Cabinet and in the party. Opposition leaders were insistent that he and his associates should be tried by special military courts and under the laws which they had framed for trying their opponents.

Meanwhile the Chief Martial Law Administrator had dissolved (January 1, 1978) the Hyderabad Tribunal and granted pardon and general amnesty to all the accused. The trial had been going on for more than two years. The accused were the leaders of the National Awami Party, including Khan Abdul Wali Khan, who had been Leader of the Opposition in the National Assembly before the NAP was banned by the Government and a reference made to the Supreme Court, which upheld the ban.

After a visit to the trial scene (Hyderabad Central Jail), it was Amnesty International's view that the NAP members' trial was held in "far from satisfactory circumstances". The organisation expressed concern that the Supreme Court's findings as regards the party as a whole (that it was working against the integrity and security of Pakistan) could be used as evidence against the individual Opposition leaders on trial.

The Amnesty report had argued that, to ensure a fair trial, the Government should have ordered that individual NAP leaders be brought to court before making an order dissolving the party, confiscating its property and referring the case to the Supreme Court. The trial should have been conducted in an open court in accordance with the normal penal law.

* * *

CHAPTER XII

OPPRESSOR IN THE DOCK

With the NAP leaders now freed, they were back on the stump. In the dramatic turn of events, they had changed positions with their oppressor who was now in the dock confronting a torrent of cases. They smelled blood and seemed to like it.

Mr. Abdul Wali Khan was the most vociferous in the demand for retributive justice. He was hailed by the PNA as a returning hero, and as he savoured the tributes paid to him at the various receptions held in his honour, he launched angry diatribes against the PPP and its Chairman and former Prime Minister.

At the PNA reception in Lahore (January 8, 1978) he said that the former Prime Minister had destroyed all the values of democracy and decency, and it was strange that his party was now demanding fair trial by normal courts. He said that he saw no reason why Mr. Bhutto should not be tried by a military court, when he as Prime Minister had ordered the trial of his opponents by military courts. A party which had destroyed legislature, judiciary, executive and press deserved no sympathy, he said.

Mr. Abdul Wali Khan maintained that the PNA's existence and unity were essential for the integrity of Pakistan. But, he said, the exponents of Nizam-e-Mustafa would have to explain to the people what precisely were their solutions to the national problems, as mere slogans could not deliver the goods. He expressed the view that the components of the PNA should accept secondary roles by subjecting themselves to the programme and discipline of the PNA to create an impression that the Alliance believed

in collective leadership and spoke on national issues with one voice.

That indeed was too tall an order, for the process that the Tehrik leader had started was to continue unchecked and there were signs of further fissures. It was as much a problem of competing egos, as of the dichotomies of thought and belief in regard to means towards the ends which they all alike said they accepted.

The Jamiatul Ulema-i-Pakistan, headed by Maulana Shah Ahmad Noorani had already shown signs of irreconcilable cleavages between the party and the official leadership of the Alliance. After a succession of long-drawn sessions, the JUP declared its stand in regard to its future with the Alliance: It would stay only if its three basic demands were accepted – the Constitution should be adopted unanimously and not by a majority vote; the decision of the joint parliamentary board of PNA should be unanimous; and thirdly, the office-bearer of the Alliance should be elected by rotation, so that more parties have a sense of participation.

There were lengthy negotiations between the JUP and the Alliance, and there were warnings such as those by the President of the National Democratic Party (NDP), Sardar Sherbaz Mazari, that the JUP's future would be dark and it would meet the fate of Tehrik-e-Istaqlal if it decided to quit the Alliance. "It is traitorous to quit". he cried on one occasion.

Pir Pagaro, Chief of the Pakistan Muslim League (a component of the PNA) asserted, however, that the desertion of the JUP would not have any impact on the unity of the Alliance.

Mr. Abdul Wali Khan pleaded that the "collective wisdom" of all concerned should be used to find out how the nation could be pulled out of the existing instability - political as well as economic. Restoration of the nation's faith in its destiny and effective steps to rehabilitate the ravaged economy were the imperatives before raising the question as to which party could or should form the government.

Everyone professed to share the feeling that unity would give the components of the Alliance strength, but

the increasing divergencies of outlook and approach, not to mention personal rivalries, were such as to make it impossible to maintain even a facade of unity. The JUP was fated to part company with the Alliance, and the NDP was to follow in the not distant future.

About this time, the British Prime Minister, Mr. James Callaghan accompanied by his wife paid a visit to Pakistan. He had long discussions with the Chief Martial Law Administrator, besides meeting a cross-section of political leadership in the country. At a press conference in Rawalpindi, the British statesman said he was convinced that General Ziaul Haq was actively moving towards the restoration of democracy. It was the General's problem, he said, to see that the political leaders and parties emerge in such a way as to benefit the country. Mr. Callaghan said he was sure that if political leaders recognised their responsibilities in this regard, Pakistan would be on the road to democracy in 1978.

* * *

CHAPTER XIII

INDUCTION OF CIVILIANS

On January 14, the Chief Martial Law Administrator constituted a 16-man Council of Advisors with the status and rank of Federal Ministers, to share with the Martial Law authorities the business of government. The preponderance of civilians in the Council was considered a welcome development. The Council decided that political leaders would be taken into confidence regarding factual position of the national economy and other subjects of public interest.

The Martial Law regime was grappling with the uphill task of restoring an economy left in disarray by the previous regime. At the same time it was engaged in a gigantic clean-up operation in the political realm, with 12 special tribunals going into the question of the past record of politicians who had held public office before with a view to disqualifying those found guilty of corruption, malfeasance or any other gross misuse of power and authority.

In the past, the policy had been to keep a tight lid of secrecy on decision-making processes, statistical information (except the doctored one), policy options, inquiries and findings of commissions and committees . The Martial Law regime could not normally be expected to allow what political regimes had consistently denied. Its decision, therefore, to keep the political leaders well posted with the unfolding picture of the economy and other matters of vital concern through briefing newsmen, was a refreshing departure from a long-established practice. It was in fact the restoration of a democratic practice and as such a significant step in the task of laying the foundation for the revival of democratic rule.

In keeping with the same spirit of maintaining a free flow of information about the interim government's policies, the Chief Martial Law Administrator, on February 4, 1978, presided over a briefing session in which top political leaders were taken into confidence on the country's foreign policy perspectives, with particular reference to relations with neighbouring countries, and on the economic situation in the country.

A report from the Dawn newspaper's Islamabad Bureau said;... The political leaders appeared satisfied that by and large, under the framework of constraints, the foreign policy approach was "feasible". However, in regard to the economic situation they expressed apprehensions about the rise in prices, talks about the Asian Common Market, and the investment climate in the private sector.

In his opening remarks the CMLA had said that the purpose of the briefing was that the political leaders should be informed about the facts and realities of different problems of public interest and concern. He added that this was intended to be a two-way traffic. It was the wish of the Government that the political leaders would also give their advice on subjects selected for the briefing and other appropriate matters.

The political leaders who attended the briefing were . late Maulana Mufti Mahmud (President of the PNA). Mian Tufail Mohammad (Jamaat-i-Islami); Professor Ghafoor Ahmad, Secretary-General, PNA; Nawabzada Nasrullah Khan, Vice-President, PNA, Chaudhry Zahur Ilahi (Muslim League), Mr. Yusuf Khattak; Sherbaz Mazari (NDP). Khan Abdul Wali Khan, Begum Nasim Wali Khan, Vice President, NDP; Mir Ghaus Bakhsh Bizenjo, former NAP; Mr. Mushir Pesh Imam, Secretary General, Tehrik-i-Istaqlal . Khan Abdul Qayyum Khan and Mr. Mohammad Ashraf Khan (Khaksar). The JUP leaders, the Tehrik-i-Istaqlal chief, and leaders of the People's Party did not attend.

* * *

CHAPTER XIV

ACCOUNTABILITY

The Disqualification Tribunals, comprising a Judge Additional Judge of the High Court and a Brigadier, had by the first week of February received 89 cases for hearing. These included, besides the former Prime Minister, two Governors, one former Speaker, ten former Federal Ministers and nine former Provincial Ministers.

At this point the ambivalence of political leaders and the extremely elusive question of intent and motive in politics began to produce a tangled skein of protestation and plaints egotism and evasion.

The Tehrik leader was demanding "a firm schedule of general elections" without "further delay", expressing "serious concern" at the "inordinately slow" pace of accountability and demanding that it should be "expedited and completed as a matter of top most priority". The Central Working Committee of the Tehrik, which met in Karachi in the first week of February, passed a resolution demanding withdrawal of restrictions on political activities "forthwith, to enable political parties that had not been allowed to work during the Bhutto regime to take their programme to the people".

Another resolution - somewhat deliberately obscure in origin and loosely-worded—noted the party's "concern at reports of international activity with regard to Pakistan, particularly when it is openly broadcast that steps are under way to develop new relations between Pakistan and its neighbours......."

*The Central Committee of the PPP meeting under

Note:- *With accountability proceedings under way, this demand for early polls is understandable.

the chairmanship of Begum Bhutto in Karachi demanded polls within two months and the removal of all curbs on political and trade union activities.

Late *Maulana Mufti Mahmud, President of the PNA said in one straight sentence, in an interview with APP in Rawalpindi, that he did not notice any shift in the country's foreign policy. About the disqualification of politicians he said that the procedure adopted by the Government was "satisfactory", as the accused would be able to defend themselves before a Judge of the High Court.

The leader of the defunct NAP Khan Abdul Wali Khan, Pir Pagaro of the Muslim League, Mian Tufail Mohammad of the Jamaat-i-Islami, were outstanding among those who gave top priority to the process of accountability.

Khan Abdul Wali Khan repeatedly said that he supported the Martial Law for two reasons:firstly, the nation got rid of Mr. Bhutto. He believed that Pakistan and Mr. Bhutto could not go together; and by ousting Mr. Bhutto, the armed forces strengthened the integrity and solidarity of Pakistan. Secondly, he said, for the first time a process of accountability had been initiated. During the last 30 years every government ignored the misdeeds of the previous one, and accountability was limited to small and petty officials. For the first time a former head of government had been questioned.

At a press conference in Lahore, (Feb.18), he affirmed that the process of accountability by the Martial Law regime was 100 per cent democratic in nature. "A man is judged from his acts, and not mere slogans".

He said that (former President) Yahya Khan had conducted free and fair elections for the first time in the history of Pakistan, and no one could say that it was not a democratic act, simply for the reason that elections were conducted by an Army General. Similarly, he added, Mr. Bhutto had rigged the March 1977 elections, and one could not call them democratic merely because these were conducted by a politician.

Note:— *Yet another indication of the impending disintegration of the Alliance.

Replying to a question, Mr. Wali Khan said that he had full confidence and faith in the Martial Law government that it would hold elections in the country according to its promise. But, he said, there was no use holding elections unless the "mess" was cleared from national politics. Rather, he added, the holding of elections would create more rift.

*The NDP leader said that it was due to the 1970 elections that the country was divided into two parts. Answering another question, he said that everyone was aware of the role of politicians in this country during the last 30 years. All the democratic functions had been performed by the military rulers, and undemocratic functions by the politicians.

He said he himself wanted early holding of elections, and it was on record that his party had opposed the Martial Law of Ayub Khan, Yahya Khan and Bhutto. He said his party wanted to run the politics of the country on positive lines.....

It was in this situation, bristling with contradictions and contrariety, that the Chief Martial Law Administrator set forth his own ideas about the close connection between elections and accountability. Addressing a gathering of the notables of Baluchistan in Sibi, (Feb.23) he made it clear that elections would be held only when he and his colleagues were fully convinced about "positive results".

General Ziaul Haq said that Allah had granted him and his colleagues an opportunity to clean the body-politic of the country, and unless this task was accomplished it would be futile to embark on the election exercise. He said that he was not aspiring for any political office, and he held out the assurance that his promise of elections at an appropriate time would be fulfilled.

The CMLA said that when he and his colleagues would hand over power to a political government, "we will be open to accountability" and if found guilty, "we should get double the punishment of what we are giving to the politicians".

Note:— *Bhutto's insistence that the majority party in either wing should form the government.

Unfortunately the phrase "positive results" was misconstrued in some circles and led to misapprehensions: among them the wholy gratuitous and unwarranted suspicion that General Ziaul Haq or his colleagues in the Military Council wanted to organise the electoral process in such a manner that it would narrow the choice to politicians and parties subjectively favoured by the interim regime. As was to be explained later, "positive results" simply meant election results which provided a credible promise of stability, unlike those of 1970 and 1977 that produced disastrous consequences.

About General Ziaul Haq's commitment to the restoration of democracy and the holding of polls as a necessary step towards representative government, a British parliamentarian, Sir Frederick Bennet had said after a visit to Pakistan that it was a fallacy to think that a purely Westminister type of government and Constitution would be practicable in Asian countries like Pakistan.

Sir Frederick had suggested divison of power between an elected President and an elected Prime Minister to safeguard against "elected dictatorship" in Pakistan. He expressed the hope that the country's constitution would be suitably amended for this purpose.

Other outside observers, not blinded by prejudice, seemed to be in general agreement with this assessment. It had to be recognised that while the General was not renegging on his commitment to hold elections he must also address himself simultaneously to the imperatives of economic rehabilitation, to resolve—with sharply limited resources – the mounting problems of economic stagnation, soaring living costs and foreign indebtedness.

Besides the interim regime was also called upon to ensure that the interregnum before the installation of an elected government was a period of calm and tranquility. In Karachi, Lahore and Rawalpindi there had been outbursts of street violence, vandalism and clashes between rival political groups and between demonstrators and the law-enforcing agencies. Six people were killed in a sectarian clash that, of all times, occurred on the occasion of the birthday of the Holy Prophet*.

Note:— *In the past sectarian clashes between the Shias and the Sunnis (the two major sects) had been confined to occasional confrontations on the occasion of Muharram-ul-Haram, the period commemorating the martyrdom of the Holy Prophet's grandson Hazrat Imam Hussain.

The various and disparate incidents seemed to fall into a pattern, pointing to the machinations of disgruntled political elements trying to raise the spectre of political violence for their own ends. There was evidence, too, that pedlars of parochial doctrines were out to rekindle ethnic antagonisms, and in the process destroy the sense of inter-relatedness and instinctual sympathy between diverse people belonging to one national community.

On the one hand there were individual politicians once again raising the bogey of a unitary political structure in the country, forgetting the disastrous experiment of the fifties when One Unit was created in the name of stability and the need for a strong centre. All that the experiment had done was to leave a trail of inter-regional rancour.

On the other hand there were those who wanted to reopen the issue of political autonomy, and those who would go beyond the four-unit set-up and propose a redrawing of borders on linguistic lines.

Sharp differences over the quantum of autonomy for the various constituent units had so often plagued constitution-making in the past that their final resolution in the new fundamental law was universally hailed as one of the guarantees of its enduring character. Everyone agreed that the distribution of legislative powers and administrative arrangements between the Federation and the provinces had finally removed the constant sources of friction and the recurring crises of participation and identity which stultified the national democratic process in the past. That the constitution was subverted by the PPP Government was no reason for reopening a debate on its provisions in respect of provincial autonomy. *The Constitution had obviously settled the locus of sovereignty, or supremacy, in favour of the Federal Government, enabling it to penetrate into local communities and carry out public policies in the national interest. Not to do so would be to envisage a confederation and not a federation. But the Constitution gave full freedom to the federating units in their own spheres, allowing for the optimum assertion of their historical identity and their distinctive cultural and linguistic heritage.

Note:- *IN February'73 Mr. Bhutto removed the non-PPP provincial government of Baluchistan. The other non-PPP government that was in power in NWFP resigned in protest.

Each of the two arguments: for the alleged virtues of a unitary structure, or for reopening the settled issue of provincial autonomy had the seeds of discord and was bound to distract attention from the more immediate goal, the over-riding imperative of an early completion of the accountability process and the holding of free and fair elections for the restoration of democracy.

The prevailing situation was one in which sterile debates and almost tribal certainties of self-serving arguments by one group of school of thought produced a corresponding reaction of rigidity and implacable hostility among the rival groups. There were accusations and counter-accusations uninhibited character-assassination and frequent incitement to violence. The Government felt called upon to impose a month-long ban on all political activities.

Explaining the action, a Government spokesman said, (substantially)... During the past months there had been growing misuse of the facilities granted under Martial Law Regulation 24 allowing limited and closed door political activity — the misuse being made under one pretext or another and in various forms, including incitement to violence, intimidation,.... and transgression of the limits of decent criticism on a large scale....Threats have been held out by leaders of the political parties to each other, inflammatory and scurrilous attacks have been launched and malicious attempts have been made to spread alarm and despondency, including hatred against the Government of the day....

....Not only this, direct violence has been committed at places, breaches and blockade of canals have been attempted, damage to railway lines has been caused or attempted; incidents like abduction of minor girls and sectarian clashes have been politicalised and used for political ends. Bar councils and associations, student bodies, trade unions and professional organisations — even mosques have been used for projection of political views....

....One section of the press has also misinterpreted the present freedom of the press as a licence to write anything and everything, including deliberate distortion and misrepresentation, partisan propaganda and abuse and libel against the Martial Law authorities.

The Government expressed the hope that the ban on

political activity for a period of time will provide a temporary jolt, allowing tempers to cool down....

The spokesman further said that the Government wishes to deal with matters of law and order strictly on their merits by isolating them from the political content sought to be given them by certain political parties and persons. The Government considered this to be its fundamental duty, which every orderly government owed to the vast majority of its peace-loving citizens....

It was a sad but necessary interruption of political activity because it did seem to many that some politicians suddenly freed from the fear and frustration that had kept them on a tight leash during the PPP's repressive regime, found the freedom given by the Martial Law a bit too heady for their nerves, and went overboard. The same was true of sections of the press. Then, and since then, things have appeared in the press: scurrilous attacks and vile four-letter abuse against the Chief Martial Law Administrator General Zia-ul-Haq personally, and wholesale denunciation of the performance and motives of the military regime — which no mother's son would dare to print or publish without the certainty of being skinned alive during the PPP' regime of terror.

By this time, March 2, the Lahore High Court had completed hearing of the arguments in the murder case against the former Prime Minister and other accused belonging to the Federal Security Force(a para-military organisation created by Mr. Bhutto and operating under his direct control).

According to the evidence collected by the Federal Investigating Agency and produced before the Court by a panel of special public prosecutors, the murderous attempt on Mr. Ahmad Raza Kasuri (a former Member of the National Assembly and former PPP stalwart) was made by FSF men at the instance and with the abetment of Mr. Z.A. Bhutto.

The full bench of the High Court began the trial in September 1977. In all 42 witnesses were produced by the prosecution, including two approvers: Masud Mahmud former Director-General, FSF., and Ghulam Hussain Inspector in the same Force.

The defence had produced only four witnesses when

the principal accused (Mr. Bhutto) decided to dissociate himself from the trial and withdrew the power of attorney given to his counsel.

The entire proceedings of the trial had been taped. The trial was held in an open court, but when the entire evidence had come on record and the statements of the accused persons were in progress, the Court ordered 'in camera' proceedings.

General Ziaul Haq's foreign policy initiatives were beginning to bear fruit, and his efforts to promote an environment of peace in the region and amity between neighbours were producing – if not yet dramatic results – the right trends and directions in bilateral relations (India, Afghanistan, Third World co-operation, close identity with Muslim countries). But on the political front the prospect was still somewhat murky. The Election Cell headed by General Faiz Ali Chishti in the CMLA's Secretariat had started initial talks with the political leaders to discuss the existing situation and the prospects for the future.

The Chief Martial Law Administrator had expressed concern at the large number of political parties operating in the country. Talking to newsmen in Lahore he said that the Government was seriously considering a proposal to reduce their number before the elections. The idea was to fructify much later, but it was an aspect of the General's larger concern to ensure that elections did not produce the conditions of instability and insecurity that had forced on the armed forces the necessity of direct intervention. The proliferation of parties (67 at the time, and since risen to around 87) could conceivably pack the parliament with a multitude creating discord and confusion, without any sense of direction or cohesive political purpose.

Meanwhile, there had been desertions from the Pakistan People's Party, the more notable being the expulsion of Maulana Kausar Niazi, a former Minister of Information and Religious Affairs in the Bhutto Cabinet, a member of the party caucus and author of many a panegyric of the former Prime Minister. There had earlier been rumours of former PPP men making tentative overtures to the Martial Law regime.

Maulana Niazi had enlisted the support of a number of like-minded former MNAs and MPAs and Senators in Lahore and Sialkot, and was to attract some more in Karachi and other places.* It was as the head of this group that he met the Election Cell where, according to him the formation of a national government was discussed. "We are", he told newsmen in Islamabad, April 4, "favourably considering the proposal in the context of the need for national solidarity. If we are asked to share that responsibility we would not run away from the challenge".

Maulana Niazi said that answering the call of the times, he and his colleagues would work for ending "class confrontation and political bitterness that had marred the national scene and developing co-operation, co-ordination and Islamic brotherhood in the country".

In this connection he appreciated the efforts being made by Sardar Abdul Qayyum Khan and Chaudhri Zahur Elahi. Like the Kashmiri leader (Sardar Qayyum), Chaudhri Zahur Elahi was also playing, he said, an important constructive role in bringing different parties and views closer.

Bitterly criticising the "concocted and distorted" news stories published by Mr. Bhutto's family newspaper "Musawat" that some of his colleagues have rebutted and dissociated themselves from his (Niazi's) activities and statements, Maulana Niazi said that all of them had telephoned him disowning the statements attributed to them by the "Musawat".

In fact, according to the Dawn report, Mr. Nasrullah Khan Khattak, a former NWFP Chief Minister, who was present during Maulana Niazi's talk with newsmen, confirmed this and protested against the false report by "Musawat"

Maulana Niazi claimed that "we are the real People's Party, and said it was wrong to label the members of the party associating themselves with him as the 'liberal group'. He said that in fact the handful of extremists, communists and opportunists in the PPP" should be called a group, because they formed a minuscule minority in the party. He claimed that Begum Bhutto had "arbitrarily, illegally and undemocratically expelled him from the party.

Note:— *This is an expression of the Kausar Niazi group's intent, should they be asked by the CMLA to join an interim cabinet.

Maulana Niazi said that from the very beginning the party had been a collective platform for holders of different views, and as such it was no crime for him to differ on issues like participation in the October elections, negotiations with Martial Law authorities, and lastly, differences over naming Benazir Bhutto her successor.

Other leaders were also talking directly, or hinting, of efforts towards a political consensus for the national government proposal.

Maulana Kausar Niazi maintained that if the PPP had not adopted a policy of confrontation after July 1977 and instead had acted on his advice and that of his friends, "democracy would have been restored in the country by now and elections held".

Most of the other leaders were quite enthusiastic about the proposed national government; but others, such as those belonging to the JUP and Tehrik were circumspect, demanding rather that the process of accountability be speeded up and polls held as early as possible.

The Chief Martial Law Administrator took note of the various trends and demands. In an interview with the Tehran paper, "Keyhan International", he said that elections could be held "any time" after the revision of electoral rolls which, he thought, might take another eight months.

General Zia estimated that the completion of the process of accountability would take four to six months or seven months. He told the 'Kayhan" correspondent he would not commit himself to a date though he had one in mind.

He said the Election Commission had been given the task of revising all the electoral rolls because "there has been a lot of bungling in that also", and the delimitation of constituencies was done in a "totally wrong way". *

As to the creation of a proper environment for the elections, the CMLA said that Pakistan being a developing country, "it is more important for us that we have no polari-

*At the time of delimitation of constituencies, the PPP regime had advanced the reason that the creation of new administrative divisions (D.I. Khan, Hazara etc.) had necessitated such delimitation.

sation. The objective must be one: the ideology of Pakistan should be in the forefront; and then people should have clean politics, devoid of agitation. This is what I call environment."

General Zia said that the environment was "getting better" but it would take some time to remove the pollution that the former government had deliberately created over the seven years of its rule, so as to manipulate things in its interest.

"There is tremendous polarisation, he said, – polarisation between the right and left, the poor and the rich, among the students and the labour force. This was all an intentional doing of the former government.'

Questioned about the fate of Mr. Bhutto, the CMLA said that the matter being sub judice he would not like to go beyond saying that "justice must be done", and the law of the land must prevail and affect everybody equally".

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CHAPTER XV

HIGH COURT VERDICT: REACTION

The Lahore High Court had returned a judgement of guilty on March 18, 1978 and sentenced the former Prime Minister and his accomplices to death by hanging. It was a unanimous verdict by the full bench comprising the Chief Justice, Mr. Justice Maulvi Mushtaq Hussain and four other Judges. An appeal had been filed with the Supreme Court against the verdict of the Lahore High Court.

Mr. Bhutto had dominated the national scene for six years and even before he had been a Foreign Minister in Ayub's cabinet for several years, and in General Yahya s' and in President Iskandar Mirza's, the last-named being incidentally one whom the former Prime Minister in an excess of enthusiasm once described as greater than the Quaid-i-Azam. So it was natural that the death sentence should evoke a spate of mercy pleas from Government leaders and others in foreign capitals. Few of them had any idea of the merits of the case, or the enormity of the crime, its ramifications and symbolism for the pattern of power relationships – both intragovernmental and between State and citizen. The operative part of the judgement said: "The principal accused is the arch culprit having motive in the matter. He has used the members of the Federal Security Force for personal vendetta and for satisfaction of an urge in him to avenge himself, upon a person whom he considered his enemy. For his own personal ends he has turned those persons into criminals and hired assassins who had joined the force and thus corrupted them.

"Indeed it is paradoxical that the ruler of a country, with Islam constitutionally declared as its State religion enabling the Muslims to order their lives in the individual and collective spheres in accordance with the teachings of Islam as set out in the Holy Qur'an and the Sunnah as its declared objective, and guaranteeing to the citizens their life and liberty should play with the valuable life of a citizen so whimsically and tyrannically. The constitutional provisions presuppose that before a person ventures to seek election to the office of the Chief Executive of the Federation he would order his own life in accordance with the injunctions and teachings of Holy Qur'an and Sunnah.

"Before undertaking to observe the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam he should inculcate these qualities in himself. Before a person embarks upon swearing to strive to preserve the Islamic ideology he would bring himself to believe in that ideology and test his firmness in that belief. Before presuming his ability to guarantee to the citizens the enjoyment of the protection of law and their treatment in accordance with law he should be a believer and a true adherent of law. He should consider himself to be as much subject to law as he would wish others to be".

"A person who considers the Constitution and the law as the hand-maid of his polity is neither qualified to be selected to the high office of the Prime Minister nor can ever be true to his oath.

"It is clear from the oath of the Prime Minister as prescribed in the Constitution a constitutional requirement that the Prime Minister of Pakistan must be a Muslim and a believer inter alia in the total requirements and teachings of the Holy Qura'n and the Sunnah. He should not be a Muslim only in name who may flout with impunity his oath without caring for its ugly consequences and terrible results, and treat the Constitution and the law as a source of unlimited power for himself which may satisfy his own inane craving for self aggrandisement and perpetuation of his rule, such a person, in all probabilities, would destroy the very basis of the Constitution and the law which he is sworn to uphold."

Islam does not believe in the creation of privileged classes. It believes in the equality before law of all-ruler

and governed alike. It is opposed to all types of class distinction. Even the Caliph, the king, the Prime Minister or the President, by whatever name the ruler may be called, is as much subject tō the law of the land as any ordinary citizen, Islam is opposed to the establishment of church or priesthood. It does not recognise any distinction between divine laws governed by priests and secular Government. In this context the proclamation of the Holy Prophet "ana basharum-mislokum" is not only a refutation of divinity of any man but also acknowledgement of his subjection to all laws. By acknowledging himself to be a man like others he has preached the equality of all mankind as well as their equality before divine laws. An apt illustration of equality before law in Islam is furnished by the oration of the first Caliph on his election to the Caliphate. He said that though appointed ruler of the people, he was no better than his people. The people ought to assist him in the just and upright performance of his duties but they should criticise him for his wrong actions. He directed them to obey him only for so long as he himself obeyed the laws laid down by Allah and the Prophet. They were free not to obey him if he himself was found to disobey Allah and His Prophet.

There can be no better illustration of equality before law. Equality before law and justice are corner-stones of Islamic policy and they were emphasised by the first Caliph who was one of the first believers and was distinguished not only for his piety and close intimacy with the Holy Prophet but also his understanding of the world. Can this era of material progress and unprecedented advancement of knowledge and democratic ideas provide such example of liberty, to disobey the illegal orders of a ruler without any fear of reprisal and of the right to impeach and depose a ruler for his disobedience of law? Freedom from obedience of a sinful order is approved by Sunnah also. (Muslim 341, 342, 343).

There are definite legislative injunctions in the Holy Quran against slaying save in the course of justice (vl: 152, vii: 33 also definitely point out of prohibition against slaying being equally applicable to persons whose duty is to administer justice or to arrange for the administration of justice.

According to tradition "amarat" (Government) is a trust. The correct rule of law in Islam is much more progres-

sive than the same concept in the modern world. There is however similarity to the extent that all governmental authorities are bound by the law and are required to act according to law. This principle is the sheet anchor of our Constitution which specifically provides in its fourth Article that to enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen and in particular no action detrimental to the life of a person shall be taken except in accordance with law. The Constitution does not grant immunity from law to anyone in the country, however high his rank or status may be, nor does it declare any one to be above law and yet the principal accused has acted as if either there is no law in the country relating to homicide or that he enjoyed complete immunity from law. His function as head of the executive was to eliminate law-breaking tendencies but he has tried to inculcate in his subordinates such tendencies and used them for eliminating a person whom he considered his enemy. There is no rule under which he can escape the extreme penalty.

It was observed in Muhammad Sharif v Muhammad (PLD) 2976 S.C. 452).

> "No doubt having regard to the sanctity of human life and liberty the law has taken all conceivable precautions to safeguard it. The Law of Evidence and in particular the rules of admissibility including confessions made before a person or an authority, the rule of placing the onus on the prosecution, conceding to the accused the liberty of a privilege liar, the Courts' responsibility to spell out reasonable existence of an unrepealed defence, if warranted by the facts and circumstances of the case and above all the golden rule of giving the benefit of doubt to the accused are measures aimed at the protection of human life against false implication and undeserved punishment. The matter does not end with the finality of judicial proceedings as the executive has also been invested with the power to meet the fail-

ures of legal justice and undo the mischief found to have been done by it. An equally important aspect of this sanctity of human life often lost sight of is that once conviction is finally upheld, the deliberate extinction of life is visited with the normal penalty of death which is not confined to the actual killer but is also extended to the other co-accused sharing the community of intention as the case may be and found to be constructively liable. The principal object behind this obviously is to avoid repetition of violent loss of life by award of deterrent punishment".

All the offences with which the accused are charged are thus proved to the hilt. It is also proved that the conspiracy to murder Ahmad Raza Kasuri did not end with the death of Nawab Muhammad Ahmad Khan but continued even thereafter since the object to assassinate Ahmad Raza Kasuri was not fulfilled, the case of an punishment on conspiracy is governed by section 120-B read with the first part of section 115 PPC.

I convict Zulfiqar Ali Bhutto, Mian Muhammad Abbas and Ghulam Mustafa accused under section 120-B P.C. 302 read with section 301 PPC and section 109 and III PPC and section 307 PPC read with section 109 PPC. I futher convict Arshad Iqbal and Rana Iftikhar Ahmed accused under section 120-B PPC section 302 PPC and read with section 301 PPC and section 34 PPC and section 307 PPC and with read with section 34 PPC.

I sentence all the five accused persons under section 120-B P.C. read with section 115 PPC to rigorous imprisonment for a period of five years each. I sentence Zulfiqar Ali Bhutto, Mian Muhammad Abbas and Ghulam Mustafa accused under section 302 PPC. read with section 301, 109 and 111 PPC to death. I also sentence Arshad Iqbal and Rana Iftikhar Ahmed accused under section 302 PPC read with section 301 PPC and section 34 PPC to death. All these five accused shall be hanged by the neck till they are dead. I further sentence Zulfiqar Ali Bhutto, Mian Muhammad Abbas and Ghulam Mustafa accused under section 307 read with section 109 PPC to rigorous imprison-

ment for 7 years each. I sentence Arshad Iqbal and Rana Iftikhar Ahmad under section 307 PPC read with section 34 PPC to rigorous imprisonment for a period of 7 years each. Zulfiqar Ali Bhutto shall also pay a sum of Rs.15,000/- as compensation section 544-A Cr. P.C. or in default undergo rigorous imprisonment for a period of 8 months. The compensation amount if recovered shall be paid to the heirs of Nawab Muhammad Ahmad Khan deceased. The sentence of imprisonment under each head shall be concurrent, and these sentences as also the sentence to be undergone in default shall be effective in case the sentence of death is commuted.

I have ordered only Zulfiqar Ali Bhutto to pay the compensation because the offence was committed on his order.

Each accused has been furnished with a copy of the judgement and has been informed that as per Article 150 of the Limitation Act he can file an appeal on the Supreme Court within 7 days from today.

Mr. Bhutto's fate was to be decided by the Supreme Court, where the hearing of his appeal was to continue for several months. In the meantime, apart from pleas for clemency on humanitarian grounds, Pakistan was also receiving a stream of well-meaning, if rather tongue-in-the-cheek, advice from various sources in regard to what the Government should do about Mr. Bhutto: that the normal course of justice could or rather would have dangerous political consequences.

The Economist, London, pontificated: "There are times when it is right and sensible to temper justice, not only with mercy, but with practical politics....."

...."A pardon which would release him (Bhutto) and all his furies back into Pakistani politics would probably be the worst possible thing for this unsettled country. Top-security imprisonment would be more desirable but risky. The best solution might well be that rumoured by an Iranian newspaper and denied by the Pakistani government this week – exile to Iran... (The Shah) has an unrivalled apparatus for keeping 'guests' like Mr. Bhutto out of trouble. It is a punishment so fitting as to do the Mikado proud".

The conventional wisdom informing most of the media comments (that is, excluding those whose primary aim was denigration of the interim regime and depiction of General Zia either as a tyrant or an innocent) was the assumption that Pakistan's security and integrity were in some way in hock to Mr. Bhutto, that the country would grow or disintegrate corresponding to the fortunes of the great charismatic leader. His mass base was also grossly over-estimated. In any case, the General was stolidly keeping his own counsel. At one stage when it was rumoured that King Khalid has also urged him to reprieve Mr. Bhutto and General Ziaul Haq was asked what his reaction was,he would not go beyond saying that he had such profound respect for the Saudi monarch that his advice was taken like a command. The Supreme Court was seized of the matter and the Chief Martial Law Administrator had other pressing business of the state, which included urgent restoration work on the economy and political institutions in the country.

Sir Karl Popper once called "the paradox of democracy the fact that democracy can democratically reject itself and opt for dictatorship." That happened in Pakistan, and as a result it became the unsought destiny of an army commander to reconstruct the base and recreate the climate and circumstance in which democracy could once again flourish.

* * *

CHAPTER XVI

CMLA'S FIRST ROUND OF TALKS

On April 15, the Chief Martial Law Administrator held the first round of talks with political leaders to discuss the proposal for a national government and the question of elections.

The PNA Secretary-General said after the talks that the discussions were of a preliminary nature, and the Alliance felt the need for further consultations. Their request for another meeting was accepted by the CMLA.

Maulana Kausar Niazi who had led a five-member PPP delegation (his faction), said after the talks that "in principle a basis existed for unanimity of thought between the two sides".

He said that the primary aim of the national government would be to smooth the way to holding of elections by ending tensions and bitterness in the body-politic of the country.

"Elections", he said, "are not possible this year; that is the objective situation irrespective of whether one wants them or not".

In reply to a question, Maulana Niazi said that the proposed national government would be under the umbrella of Martial Law: "There exists neither a possibility, nor it would be desirable or appropriate to lift Martial Law immediately".

The Azad Kashmir leader, Sardar Abdul Qayyum Khan, who had been exerting vigorously as an honest broker,

said after the talks that ninety per cent of his mission had been completed. The remaining ten per cent would be completed with the determined efforts of the national leadership to face national problems collectively and in a spirit of Islamic fraternity, subordinating all other considerations to the larger national interests of Pakistan.

In an interview with the APP, in Islamabad, April 16, Sardar Qayyum said that he was profoundly gratified to know that almost all the national leaders and parties were in favour of co-operating with the Armed Forces to put in joint and concerted efforts to attain the national objectives.

He said the Communists were active in occupied Kashmir. They were active in Pakistan and well entrenched. They have lately joined hands with the Zionist Press abroad to malign the Islamic state of Pakistan and tarnish its image.

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CHAPTER XVII

ZIA'S VISIT TO SAUDI ARABIA

The next day after the meeting, General Ziaul Haq proceeded to Riyadh for a three-day official visit to Saudi Arabia.

This was General Ziaul Haq's first official visit to Saudi Arabia. He had earlier paid two informal visits, Saudi Arabia being the first country to be visited by him after assuming the reins of government in July 1977. During this official visit he had talks with King Khalid and Crown Prince Fahd, and he was assured that Saudi Arabia was ready as ever to expand and deepen co-operation with Pakistan. King Khalid reaffirmed the close and intimate ties between the two countries.

Crown Prince Fahd, the leading Saudi Arabian statesman of international standing, known for his percipient understanding and grasp of regional and global political realities, expressed his confidence that as long as General Zia-ul-Haq was handling the affairs of Pakistan with his capable colleagues, stability and order would rule in Pakistan. He said in a press interview, Riyadh, April 17: "We are convinced that things now are being put in their right order". The Saudi leader's remarks, evidently based on his own assessment of the situation in Pakistan and his appreciation of the quality and character of General Ziaul Haq's leadership, were welcomed in Pakistan as a corrective to the misconception in some places abroad that because of the General's intervention, there had been a rupture in the ethical continunity of the State, or that there was a crisis of confidence caused by the temporary constitutional deviation forced by State necessity.

General Ziaul Haq returned to Pakistan, "recharged", as he said, "mentally, morally and spiritually". The visit was successful beyond expectation. "I saw much more love and affection towards Pakistan", and the Saudi Government was "prepared to co-operate with us much more than ever before". The Chief Martial Law Administrator said that his talks with Saudi leaders had renewed the faith of the two sides in their everlasting friendship and close co-operation. He said the object of his visit was to have an opportunity to project Pakistan and apprise King Khalid of the present internal situation.

Back home he was to pick up the thread of negotiations with political leaders about the formation of a national government. The PNA President,late Mufti Mahmud was of the view that consideration had to be given to the question whether the formation of a national government would delay the restoration of democracy and the general elections. There was also the rather thorny question of who all would constitute a representative national government. Late Mufti Mahmud said in a press interview that it was his personal opinion that it would be a disloyalty to the movement if the proposed government includes those as colleagues against whom the PNA had rendered great sacrifices during the movement. A ten-member delegation of the PNA discussed these matters with the Election Cell, which offered clarifications on some points sought by the PNA and also placed the Cell's point of view in regard to the Alliance's proposals.

After this meeting the PNA chief said explicitly that they were not opposed to PPP as such, but only to those persons who were closely associated with the former Prime Minister and shared responsibility for his policies against which the PNA had launched the popular movement. He listed Maulana Kausar Niazi among such associates and said the PNA would not join a government which included the Maulana.

The National Democratic Party (NDP) had withdrawn at the eleventh hour from the PNA team holding talks with the Election Cell, and it was reported that the party had come out with the opinion that the formation of a national government in the existing situation and circumstances was not the right step. It was also claimed by NDP spokesman that the party's representatives who attended the PNA

consultations had made their views known and recorded their note of dissent on this issue.

The Tehrik leader, Air Marshal Asghar Khan said that his party would not oppose the formation of a national government but would not join it. He said his party could serve the people of the country in a positive manner even without being in the government.

Mir Ghaus Bux Bizenjo, a prominent leader and former Governor of Baluchistan, had said that no useful purpose would be served by installing a national government as an interim arrangement for holding election. He was of the view that a national government would only create confusion. "We may lose stability, which is obtaining in the country today". Mr. Bizenjo added: "We will continue to support the present government, as it has not done us any harm rather it has done good".

While negotiations were going on between the Government and political leaders of various persuasions, Mr. Wali Khan during a visit to London renewed his proposal for an all-party leaders conference as an alternative to the proposed national government. In an interview with 'Dawn' correspondent Yehya Syed, London, May 29, the Pathan leader said that a nominated national government would not be representative of the people. He felt that the only way to put Pakistan on an even keel was to discuss where we went wrong during the past 30 years. The proposed leaders' conference should take note of our basic faults and outline fresh relationship between the Punjab and the three other smaller provinces to allay their fears of being dominated by the Punjab.

Mr. Wali Khan's proposal for an all-party conference had obvious merit, but it was not quite clear to many observers how it could be an alternative to the national government, which had been conceived as a measure of civilian co-operation with the interim Martial Law regime, likely in some ways to facilitate the transition to a fully representative government after free and fair elections.

The lengthy negotiations for the proposed national government were to go on for more months, but in the meantime there had been a bloody coup in Afghanistan and though the Government naturally maintained then, as ever

since, that it was an internal matter of that country, the radical change of government in Kabul had its reverberations in national politics and added another factor of polarisation.

Pakistan was among the first countries to recognise the new regime in Kabul. It has since remained Pakistan's consistent stand that the change of government in Kabul is an internal affair of Afghanistan that need not – indeed ought not –militate against the desire of their two governments and their peoples to develop close friendly relations.

Soon after recognising the new regime in Kabul, the Chief Martial Law Administrator sent a message of goodwill to the new rulers and ordered special arrangements to facilitate Kabul's transit trade through Pakistan. But instead of reciprocal goodwill Kabul began to review old issues.

General Zia-ul-Haq's priorities at the time were mainly domestic: on the economic front, the mounting debt burden (risen to seven billion dollars) forcing the necessity of seeking rescheduling of debt repayment, and correcting some of the more serious distortions caused by the economic mismanagement of the previous years. On the political side, the task was to piece together a workable coalition at the Centre and give the politicians some of the symbolic rewards of victory but not, too soon, a free rein to mess up things for partisan ends or personal aggrandisement. Some of them had been the 'outs' for far too long, and were naturally eager for office. Others had reservations and seemed well disposed to soldier on for more time.

Though the PNA would not describe them as preconditions, it was putting forward tentative demands that with the constitution of the interim civilian government the ban on political activity should be lifted and they should be allowed the use of radio and television to project their views, hold press conferences and their general body meetings. They had earlier toyed with the idea of demanding that Martial Law be lifted, but that was quickly dropped as unreasonable and a little too excessive.

Throughout June 1978 the negotiations–through correspondence and personal meetings between the Chief Martial Law Administrator (or his ranking aides) and the political leaders dragged on inconclusively.

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CHAPTER XVIII

SINO PAK RELATIONS

In the third week of the month Pakistan welcomed another distinguished visitor, the Vice-Premier of the People's Republic of China, Mr. Keng Piao, who had several long sessions with General Zia-ul-Haq, assisted by his top advisers. The Chinese leader was accompanied by a 37-member entourage. The visit was highly significant in that it helped to debunk the propaganda by political pundits - in whisperings at home and more blatantly abroad — that because of the ouster of the former Prime Minister Pakistan-China relations no longer had the same warmth and intimate understanding.

The Chinese leader said after the talks and a visit to the Karakorum Highway (a magnificent example of Pakistan-China co-operation) that "positive and significant results" were obtained and "identical views were reached in the very useful talks". "We are deeply impressed", he said, "by the enthusiasm and efforts of General Zia and other Pakistan friends in further strengthening the close relations between our two countries".

General Zia-ul-Haq said that the talks were "useful to such an extent that no talks could be better or more purposeful than these".

It seems worth recalling that soon after assuming the responsibility of government, General Zia had proceeded on an informal friendly visit to China. That was a measure of the place of honour that Peking occupied in the foreign relations perspective of Pakistan. Friendship and mutual

co-operation between Pakistan and China are founded on principles. There exists between them a close identity of purpose in promoting international relations on the basis of the sovereign equality of States, free from domination or hegemony.

Changes in the political complexion or leadership in their country are unlikely to affect ties that have been forged by a principled mutuality of interest and reciprocal goodwill. But that does not diminish the importance of regular contact and exchange of views at the summit level to maintain a sensitive concern for each other's central interests and sensibilities. For that reason General Zia-ul-Haq's visit was particularly important. It was the first high level contact between the two countries after the death of Chairman Mao Tsetung, the father of modern China, who made a seminal contribution to the development of Pakistan-China friendship.

Pakistan too had been through a major upheaval, with General Zia-ul-Haq emerging as the man who brought the country back from the brink of disaster. It was singularly appropriate that Pakistan's new leader should establish personal contact with the Chinese leaders, who had inherited the mantle of Chairman Mao and Prime Minister Chou En-Lai, to reinforce traditional ties and explore new avenues of mutual co-operation.

The visit to China, like those to the Muslim countries, had a special significance in the context of the recent past when Pakistan's foreign relations tended to be viewed as achievements of personal equations supervening historical trends or geopolitical and economic imperatives. Policy was often enwrapped in excrescences of personal glorification. General Zia-ul-Haq's visit focussed on the plain truth that Pakistan's friendship and co-operation with China was founded on substantive factors and the general ethos of the peoples concerned, and was not a supererogatory triumph of any one individual. The Pakistan leader restated with vivid conviction what the late Premier Chou En-lai had trenchantly observed in the course of his first visit to Pakistan in the mid fifties' Sino-Pakistan ties were not only rooted in historical tradition, but "a similar destiny in history has also brought forth many common aspirations between us, which constitute the basis for the growth of the bonds of our friendship."

On June 25, 1978 the Chief Martial Law Administrator announced in a broadcast that he had abandoned the idea of a national or civil government. Instead he would constitute a Federal Cabinet to replace the Council of Advisers.

General Zia-ul-Haq said that he had proposed to form a national government with the aim of associating important politicians to gain their co-operation in running the country. But he regretted that the politicians failed to rise above individual and party considerations in their approach to the proposal.

The CMLA categorically stated that installation of the Federal Cabinet at the Centre and in the provinces did not mean that he had deviated from the main objective which, he declared, continued to be the holding of elections, in which all parties would have equal opportunity to participate.

The General remarked, however, that democracy did not mean just holding of elections at the national and provincial levels. It should begin with the enrolment of members and elections within the political parties, so that leaders and parties, who profess democracy should come up to the demands of democracy.

What the CMLA said about the wholly undemocratic practices and norms was true of nearly all the political parties. The older parties had not had elections for decades, while the newer ones, being dominated by strong personalities had not had time or inclination to have elected office-bearers.

General Zia said that to provide stability the edifice of national politics should be built from the local level. He announced that elections to the local bodies would be held by the end of the year on a non-party basis.

Legislation would be promulgated, he said, empowering the Election Commission to permit only those parties to participate in the general elections which believed in the ideology of Pakistan and national integrity. Political parties would be asked to inform the Commission of their aims and objects, the manner of enrolling members and the source of their income.

The General also spoke of satisfactory progress in the field of foreign relations without compromising principles

and national interest. In this connection he also underlined the importance for Pakistan to acquire the contracted nuclear reprocessing plant from France. He expressed the hope that as a principled and self-respecting country France would honour its international commitment. He said the acquisition of the nuclear plant was an issue which had bearing on Pakistan's independence, sovereignty and prosperity.

The whole nation was united on this issue, and neither the CMLA's nor any future government could ignore the national sentiment on this issue.

After listening to the CMLA's broadcast in Multan, the PNA President, late Mufti Mahmud said that the Alliance would extend help and support to the Martial Law Government in the larger interest of the country and the nation, but no representative of the Alliance would join the proposed cabinet.

The Tehrik Chief, Air Marshal Asghar Khan said that the people had high expectations that the CMLA would announce the date of the next election and also something about the restoration of political activity. But these expectations were not fulfilled.

He bitterly critised the role of UDF (PNA) leaders who, he said, had wasted three to four months in holding negotiations for entering into some agreement to join the government. He said they had befooled the people, and in their lust for power they had played with the sentiments of the people.

The power, privilege and perks of office had been exercising their pull on the politicians, though with Martial Law in force and the Military Council as the supreme authority, the selected Ministers could not hope to exercise real power. That accounted for their ambivalence, which later developed into an open rift in the PNA ranks.

The Tehrik-e-Istaqlal had from the very beginning discarded the idea of joining the proposed government. The Air Marshal said his party believed that only a representative government elected by the people could manage the affairs of the country. Any other measure had inherent dangers in it.

The Pakistan Muslim League was in no mood to abide by the PNA discipline. Its Executive Council meeting in

Lahore, July 1, decided by 22 votes to 6 to join the proposed Federal Cabinet. The Council also authorised the party President, Pir Pagaro, to consider ways and means to bridge the gap between the League and the PNA's central leadership.

However, the League's Secretary-General Malik Qasim told newsmen that he and some others in the party did not favour the idea of participation in the proposed government, because they considered that it was not in the interest of any political party or the Martial Law Administration. Malik Qasim said he was going to call a meeting of the General Council "to consider, uphold or reject the Executive Council's decision" ·

This was the first sign of an open rift between the President and Secretary-General of the Muslim League which was to develop into squalid infighting and ultimately create two separate factions. About this and the nuclear reprocessing plant there will be more in later pages.

Malik Qasim next day elucidated his reasons for opposing the Muslim League's decision to join the proposed cabinet.

In an interview with Dawn Lahore Bureau, he maintained that he was not opposed to the idea of a national government of the kind proposed by the Chief Martial Law Administrator but he was of the view that such a government must not be formed with one or a few political parties to the exclusion of other important parties.

"We need unity of thought and action on the national level", he said, "the country cannot afford agitational politics which has been the main business of politicians in Pakistan since 1968. He said unity on national issues would be jeopardized by the Muslim League joining the civilian government alone. He felt that the inclusion of Muslim League or a few other parties would provide the parties outside the government with a forum from where to project a hate campaign against the Muslim League as well as against the Army. It would harm the neutrality of the Martial Law Government.

At this stage the PNA disclosed the contents of a communication its President had addressed to the CMLA on May 25, giving an understanding that it was prepared to

join the proposed national government if it would facilitate the transfer of power to the elected representatives of the people through fair and free elections, to effectively and justly complete the process of accountability and to pave the way for the enforcement of Nizam-i-Islam.

The PNA had also stressed that the National Government, if formed, should take effective steps to eliminate the administrative bottlenecks and solve the multifarious problems faced by the people.

While accepting the offer of participation in the Federal Cabinet, late Mufti Mahmud made it clear that such a government should be composed of elements whose political record had remained unblemished and "who on no account were accomplices to the injustices and 'zulm' perpetrated by the previous regime".

He had also emphasised that the proposed Federal Cabinet should be vested with full authority, and participation in it should be meaningful with the twin object of carrying out a totally unbiased and effective accountability and holding the nationwide polls without unnecessary delay.

The PNA Chief said that if it was not possible for the CMLA to install an "autoritative, meaningful and responsive National Government", comprising leaders of the political parties, then "from our side, the proposal for such a Government may be considered as lapsed".

Analysing the politico-economic and social conditions obtaining in the country, Mufti Mahmud singled out a certain element in the bureaucracy for, what he termed, its conspiratorial activities to sabotage the Government's reforms, to create confusion and unrest among the people and thereby to bring the Government into disrepute. This element, he pointed out, had actively collaborated with the previous regime in its "unconstitutional illegal and immoral acts" but still had not been subjected to the process of accountability and what is more, continued to occupy the key posts.

In late Mufti Sahib's view, it was due tc the underhand efforts of this bureaucratic element that the accountability process had been made ineffective. The result was that those who were mortally afraid, at the time of the imposition of Martial Law, of the process of accountability. were today

roaming about care-free. Moreover, the political party which had been completely rejected by the people, was now having a new lease of life.

The PNA President said that "since it is not possible for the Martial Law authorities to have direct contact with the people, all the powers have become concentrated in the hands of the bureaucracy". It was for this reason that redress against the excesses committed was getting more and more difficult.

He said he realised that no Government within a short space of 10 months that it had been in power could claim to have solved the complex and complicated problems of the day. Yet, he added, "he could not help saying that whatever the least expectations the people had of the government had not been fulfilled"

A case in point, Maulana Mufti Mahmud said, related to the question of the release of PNA workers and the withdrawal of cases against others about which the CMLA during their meeting on March 4 had allegedly passed orders, but to this day they had not been carried out.

Maulana Mufti Mahmud in his communication said that in the context of these and similar developments when on March 18, the members of the Election Cell during their meeting with the PNA leaders had asked for co-operation in the formation of a National Government, "we expressed our readiness to participate, considering all the factors involved".

Even after the Muslim League's clearly stated intention, late Maulana Mufti had the heart to say he was confident the League would not join the Federal Cabinet. Talking to newsmen in Karachi where bad weather had diverted his Quetta-bound flight, the PNA Chief hoped that the Muslim League would not violate the resolution passed unanimously by the component parties of the Alliance not to join the Advisory Council of the present government. The resolution still stands and had not been withdrawn, he stressed.

He said if the Muslim League deviated from the stand of the PNA on this issue it would be "a bad precedent"; he hoped the PML would call its General Council meeting to take a final decision on this issue.

Asked about the prospects of early elections in the country, Maulana Mufti Mahmud said that the CMLA General Zia-ul-Haq had told the leaders of the Alliance that he proposed to hold elections between March and October, 1979.

The PNA Chief reiterated that the Alliance would continue to co-operate with the Martial Law Government, "we will not resort to a policy of confrontation".

It was clear from the CMLA's broadcast that he had reached the classic pitch of exasperation. He was obviously not ready for the kind of unqualified authority that the PNA was seeking for its nominees to the proposed national government. Nor indeed was it possible under Martial Law and neither could there be any question of lifting it yet. It was clear also that the PNA itself was becoming a divided house, with the leaders of the component parties sparring for supermacy, each giving its own definition of national interest.*

So the General finally sheared through the rigmarole of suggestions and counter-suggestions, formulas and modalities and took his own decision, as Generals are supposed to do in the final analysis. On the 5th of July 1978, he announced a 22-member Federal Cabinet under Martial Law, leaving the PNA rather high and dry in its Hamlet-like indecision, its philosophic doubts and its pragmatic objections. The new Cabinet – 17 full Ministers and five Ministers of State-replaced the CMLA's Advisory Council.

The former Secretary-General, Mr. Ghulam Ishaq Khan was taken as Minister of Finance, Planning and Provincial Co-ordination; Adviser on Foreign Affairs Agha Shahi as Minister of State in the same Ministry.

The new Cabinet included three Generals: Lt. General Faiz Ali Chishti, Establishment and Kashmir Affairs; Lt. General Ghulam Hasan Khan, S.J. (Sitara-i-Jurat), Petroleum and Natural Resources; Maj. General Jamal Said Mian, H.J. (Hilal-i-Jurat), States and Frontier Regions.

Note:— *Very understandable since with the ouster of Bhutto and his case being heard by the LHC. the PNA had no motivating factor to keep it together.

Those from public life, business or the professions included: Mr. Mahmoud Haroon, Interior; Mr. A.K. Brohi, Law and Parliamentary Affairs; Chaudhri Zahur Elahi, Labour, Manpower and Local Government; Mian Zahid Sarfraz, Commerce; Khwaja Mohammad Safdar, Food and Agriculture; Mr. Sharifuddin Pirzada, Attorney-General; Lt. General (Retired) Habibullah Khan, Industries and Production; Mr. Mustafa Gokul, Shipping and Ports, and Export Promotion; Mr. Mohammad Ali Khan Hoti, Education; Mr. Gul Mohammad Khan Jogezai, Water and Power; Mr. Mohyuddin Baloch, Communications.

The Chief Martial Law Administrator retained the following portfolio himself: Cabinet Division; CMLA's Secretariat; Defence and Defence Production; Aviation; Foreign Affairs; Information and Broadcasting; Health, Population, and Social Welfare; Scientific and Technological Research; Atomic Energy Commission; Youth and Student Affairs.

After presiding over the first meeting of his new Cabinet, General Zia-ul-Haq told pressmen that the formation of the Cabinet was the first "positive step" towards his objective of holding elections and handing over power to the people's elected representatives at the earliest.

He was sure that persons included in the Cabinet would rise above their personal and party interests and work wholeheartedly to promote his objectives and policies.

Asked why from among all the politicians only Muslim Leaguers had been included in the Cabinet, though another party had also offered its complete co-operation, the General said, the Muslim League had extended unreserved and open co-operation to his Government and he had expressed his gratitude by including them in his Cabinet in the first instance.

Asked whether the parties which were not in favour of joining his Government should be taken as opposition parties, he said he did not come to power through elections and was there only for a limited objective. He did not, therefore, consider any party as an opposition party. He would welcome the co-operation of all those parties which were willing to co-operate whether inside the Government or outside it.

PNA leaders looked askance at the Muslim League's joining the Federal Cabinet in haste Mufti Mahmud described it as an "objectionable act". Very soon, however, the Jamaat-i-Islami was to declare itself in favour of participation in the interim government. The Jamaat's Secretary-General, Chaudhri Rahmat Elahi, said in Lahore, July 12, that the Muslim League ought to have waited and joined the Cabinet along with other components of the Alliance. He expressed the view that since the inclusion of the League in the government had become a fact, the only course left open to the Alliance was to condone the action in the larger interest of the unity of the Alliance, because the League's expulsion from the PNA would render it ineffective and meaningless. The NDP (National Democratic Party) was, however, not in favour of joinging the interim government. Soon after the installation of the new Cabinet there started another series of negotiations between the Government and the PNA and a meeting of its high command was called on August 3, to take a final decision about joining the Government.

Sardar Sherbaz Mazari, the NDP Chief said that his party was against joining an "undemocratic and unrepresentative" government. He was of the view that the PNA was losing its spirit and deviating from the cause for which it had been formed. The NDP, he said, certainly did not want to come into power through the back door.

Sardar Mazari also demanded that the Muslim League should recall its representatives from the government, otherwise his party would "insist on the League's expulsion from the PNA".

The NDP Chief said (Karachi, July 29) that "we have co-operated long enough with the Government, but now the situation has changed to a great extent". He demanded that an announcement of the specific date of the elections (latest by October 1979) should be made "without further delay". He said he was "totally disenchanted" with the way the process of accountability was being conducted. He strongly urged that the "commitment should be honoured" by completing the process justly and with expedition".

After a few weeks of negotiations, however, the PNA agreed to join the Federal Cabinet. Disclosing this the Alliance Secretary-General, Professor Ghafoor Ahmed, said (Rawalpindi, August 6) that all fundamental questions

had been settled in the Alliance leaders' meeting with the CMLA on August 5. The Cabinet, he said, would be the highest body, and the Ministers would exercise full control over their departments within the agreed policy framework of the Government.

The NDP promptly dissociated itself from the PNA move, and its President, Sardar Mazari lashed out at PNA leaders for having "played a cruel joke on the people". He said, (Karachi, August 8): "We of the NDP cannot be a party to a decision whereby the leaders of component parties (he refused to call them PNA leaders) have betrayed the people who made supreme sacrifices to oust the fascist and illegal rule of Mr. Bhutto and to bring about a democratic polity of sanity and decency, based on the rule of law, civil liberties and socio-economic justice".

In an interview with the Chief Staff Correspondent (City Editor) of the Newspaper Dawn, Hazoor Ahmad Shah, Sardar Mazari said he was trying to ventilate "my deep anguish" at the way the PNA leadership had created an "unfortunate impression" in the minds of self-sacrificing people that "political leaders are by temperament and training power hungry".

Referring to the claim of the PNA Secretary-General that the forthcoming Cabinet would be "purposeful and powerful", the NDP leader said that the very fact that the Cabinet would function under the umbrella of Martial Law "negates the claim". He also expressed the view that by taking the Muslim League representatives in the Federal Cabinet, "The military regimes claim of political impartiality has been compromised".

Recalling the PNA's earlier rather rigid demand for lifting Martial Law, Mr. Mazari said they had "swallowed it just for a few crumbs of power".

On August 16, the National Democratic Party formally severed its links with the PNA. "We cannot", said the NDP Chief, "be a party to a group of politicians who are willing to sell their conscience, and the trust and faith reposed by the people in them, for the sake of power".

Thus the PNA was left with six parties, the Tehrik and the JUP having earlier withdrawn from the fold. As had been said in the preceeding pages, the nine parties, divided

on almost everything and having no coherent, long-term programme of political mobilisation, had simply joined hands to oust Mr. Bhutto under whose regime the Opposition leaders had suffered in many ways.

The impending disintegration of the PNA threatened to create a political vacuum. With the exit of the NDP, the Alliance could no longer command the same support in Baluchistan and the North West Frontier Province, while the NDP itself risked relapsing into its earlier regional role.

The newspaper Dawn warned of the danger of "inter-regional polarisation in the unfortunate event of a differentiation of parties and politics on a provincial basis". The danger was indeed real, as later developments showed. Demogogues with revolutionary posturings would try to rekindle the passions that once nagged the various regions. They would go about blueprinting their personal political organisations and employ the deadening verbiage and jargon of alien political creeds to splinter national political consciousness and even call into question the centrality of Islam and the ideological basis of Pakistan.

On August 23, a 21-man Federal Cabinet was sworn in and limited political activity allowed. Addressing a press conference after the swearing in ceremony, the Chief Martial Law Administrator said that the year 1979 could be considered as an election year and that specific dates would be announced in due course. His government was serious about holding elections early to transfer power to the elected representatives of the people. It was making constant endeavour in this regard, and the formation of the civilian cabinet was a step in that direction.

General Zia-ul-Haq said that he had allocated the critically important portfolio of Defence to Mr. Ali Ahmad Talpur, a politician; and that, he felt, should be enough to demonstrate his sincerity towards establishing a civilian government in the country.

The armed forces, he said, have always made sacrifices for the national cause; and in the same spirit his colleagues in the army had offered to relinquish their ministerial offices. The Cabinet would be competent to take decisions at the national level, while the Military Council would continue to function as before and it was the supreme body.

The Chief Martial Law Administrator was asked by a newsman if the conditions laid down by the PNA for joining the Cabinet had been fully met, to which he replied that the main thing was that those who wanted to join have joined. "You can see they are here". The new cabinet was described as "an offspring born of a marriage between democratic dogma and political necessity" (Dawn, August 25). It was to last till October 1979, and its responsibility was defined by the Chief Martial Law Administrator as: Progress towards the institution of the Islamic system; preparations for the polls, work for economic recovery and stability in the country.

The arrangement was widely welcomed as the best that was practically possible in the circumstances and it certainly symbolised progress towards the objective of democratic restoration. But, as was to be expected, there was also sharp criticism impelled by a harsh and angry moralism. The JUP Chief, Maulana Shah Ahmad Noorani said that the people were feeling that those political leaders who have accepted the postponement of elections and a secondary role for civilians in the Government have betrayed the trust reposed in them. He said these leaders who have jumped to the Ministerial chairs without even their minimum conditions being accepted could no more be trusted by the people.

Commenting on the PNA's credentials and the legitimacy of its claim to office, the newspaper Dawn said editorially: "If the results of the 1970 and 1977 elections are computed, with, of course, due allowance being made for widespread rigging in the latter case, it will be impossible to sustain any claim about the present PNA commanding the confidence of the majority of the population. The gains the PNA made in terms of wider popular allegiance during its movement against rigging were evidently neutralised by the defection of three important component parties: The Tehrik-i-Istaqlal, the JUP and the NDP.

"The legitimacy of the PNA's entry into office, therefore, rests not on a demonstrable capacity to elicit the commitment of the majority of the people but on the PNA being the only representative political force eminently eligible for office in the present context. But this in a way meets only one half of the test of political legitimacy. The other half of the test will lie in the PNA's ability or otherwise to deliver the goods.....

"....If the PNA is seen to be working sincerely in the overall interests of the nation and does not succumb to the temptation of narrow partisanship, it will have proved that it is a national government, in its spirit and orientation, if not in its title and composition..."

While the PNA nominees moved into office, the former component parties and the PPP (split into two factions) were left to fill the role of an unofficial opposition, and they were to chart their courses in the middle of a confounding proliferation of political parties, each selling its own brand of democracy.

With the PPP Chairman under death sentence, the defections and dissarray in the party were becoming more and more distressing to the party faithful. Many of them were themselves disenchanted and bitter about the party hierarchy, about the leadership that had ruthlessly exploited the party as an instrument of tyranny, oppression and political vendetta.

Maulana Kausar Niazi (author of "Deedawar" — a panegyric alluding to Iqbal's concept of the man of vision and integrity and applying it to Mr. Bhutto) began by claiming that his group was the original PPP, but was later to style his faction as the Progressive People's Party.

The mother-faction was led for the time by the Acting Chairman, Begum Nusrat Bhutto, though the former Prime Minister was reported to have nominated his daughter Benazir for the top post. There was a lot of revolutionary posturing by this group and a stream of violent rhetoric, while the Niazi group was bending over backwards to curry favour with the military regime, apparently without any notable success.

The fact that Maulana Niazi's eager offer to join the Federal Cabinet went unrewarded may have been only partly due to the strong and vocal opposition of the PNA to sit together with the associates of the former Prime Minister. An equally important, if not more compelling, factor must have been the CMLA's own reluctance to take at face value the promise of loyal co-operation and protestations of adherence to the national cause by those who had held positions of influence or power in the regime that had left a wreckage of democracy as its legacy to posterity. But despite the split, and the stigma of the recent past, the PPP

still constituted a political force, at least enough to agitate the minds and affect the calculations of PNA leaders. The group loyal to Mrs. Bhutto called itself the party of the revolution, still commanding mass following and threatening dire consequences if anything happened to the life-Chairman now virtually living with death but still with hope of being saved by the Supreme Court. Only a fair and free election could prove the PPP's claim to popular support, but there was little doubt that sections of its constituency – the alienated and anger-ridden, the volatile community of student militants, the pseudo-intellectuals with fire in their bellies and idee fixe of their own subjective brand of cultural and political revolution, and many other disparate groups that had rallied to the PPP's banner and benefitted from the ruling party's profligate largesse in diverse forms -- these may not win an election but were certainly capable of stirring up politics quite nicely, and in the process possibly creating a law and order situation.

Addressing a press conference (Peshawar, Sept 14) Miss. Benazir Bhutto reiterated her contention that the situation obtaining in the country was a flagrant violation of the Supreme Court verdict which had brooked it (Martial Law) under the Law of Necessity on the explicit understanding that general elections were to be held within a specified period.

On September 16, General Mohammad Zia-ul-Haq was sworn in as the 6th President of Pakistan following relinquishment of the office by Fazal Elahi Chaudhry. The new President said he would step down as soon as another suitable man was found.

The Central Executive Committee of the PPP, meeting in Islamabad, threatened to challenge General Zia-ul-Haq's decision in a court of law. At the end of its two-day session the Committee released a 17-point demand, including one calling for immediate withdrawal of the ban on, and full-fledged restoration of political activity.

The Committee also released to the press a statement on what it called the "farce of accountability" and affirming that there was no doubt that in due course "the entire malicious, illegal, unconstitutional exercise of intimidation and repression perpetrated by the Government would be repudiated". In sharp vitriolic terms the statement also denounced the regime and its "collaborators".

Khan Abdul Wali Khan, speaking in Peshawar, said that he had hailed the Martial Law regime for expeditious accountability and free and fair elections. But he said that the process of accountability was slow and elections appeared to be receding. He declared that he had no misgivings regarding the CMLA's honesty, but it was imperative that he should redeem the pledges, made by him.

Mr. Wali Khan was of the view that Islam was being exploited in the existing situation in much the same manner in which socialism had been exploited by Mr. Bhutto. He said his parting of the ways from the PNA came after the latter gave up solicitude for the people and its components started a scramble for office. He described the new Federal Cabinet as a nominated one and said it could not be called a national government by any stretch of the imagination.

Former Governor of Baluchistan, Mir Ghaus Bux Bizenjo after formally joining the National Democratic Party came out with a succession of statements reopening the settled issue of the quantum of provincial autonomy. More than that he started trotting out his own superior information about the genesis of Pakistan and strongly disputing Muslim nationalism as the original inspiration and basis for the creation of Pakistan. Mr. Bizenjo would have his audiences believe that the State came into being because the four Provincial units volunteered to join in a federation, that the Federation, therefore derives its sovereignty from the constituent units and stands or falls at their pleasure.

In his enthusiasm for his theory-hardly distinguishable from a wispy illusion – Mr. Bizenjo conveniently forgot the facts of history. As a Dawn editorial aptly put it.

"...The movement for a separate Muslim homeland had nothing to do with the concept of nationalities. And the movement was not a consortium of separate provincial movements each inspired by the sentiment of nationality. If it were so, there would be no rational reason for the Muslims of the minority provinces to be so deeply and wholeheartedly involved in the struggle for Pakistan. .

"Again, if the rights of nationalities were the basic issue, Bengal and Punjab would have hardly been partitioned on communal lines. Going further back in history, what was it that provided the driving impulse behind the Muslim demand: for the partition of Bengal, in 1905, and the crea-

tion of a new Muslim majority province of East Bengal and Assam if not an awareness, however nebulous at that time, of Muslims being a separate political and cultural entity in the context of India?"

The kind of redemarcation of political boundaries implicit in the four nationality theory would only lead to a disastrous fragmentation and cause dislocation and political and social discord that cannot fail to destroy the unity and cohesion of the country.

Mr. Bizenjo – otherwise a politician respected for maturity, moderation and 'measure' – sought to enwrap his theory – utterly insupportable by history or logic – in a crypto-communist lingo, such as his talk of 'national democracy'. Even more atrocious was his extrapolation from Quranic verses to lend added respectability to his theory of nationalities.

On the other hand, there was evidence too of a revival of unitarian sentiment, though still rather mute and more as riposte to regional particularism, and then no bigger than a man's hand. But visible enough to arouse the suspicions and misgivings of the National Democratic Party. Its Central Organising Committee called upon the Chief Martial Law Administrator to make a categorical declaration to the effect that the Federal set-up of the country would be kept intact and would in no way be amended or modified.

The Committee, chaired by NDP President Sherbaz Mazari, adopted a resolution on the political situation and expressed the opinion that a Cabinet comprising unrepresentative parties and other elements was absolutely incapable of resolving the serious crisis through which the country was passing. The setting up of unrepresentative cabinets at the provincial level would aggravate the situation further, the resolution said.

Commenting on General Zia-ul-Haq's assumption of the office of President, Air Marshal Asghar Khan said that the people had "accepted the General in good faith on account of his solemn declaration that he would hold general elections through "Operation Fairplay" in a period of three months.

The Tehrik Chief pointed out that for 25 years in Pakistan's history succession to power had been contrived.

starting with Mr. Ghulam Mohammad and followed by Iskandar Mirza, Mr. Ayub Khan and finally, Mr. Z.A. Bhutto. This manner of political succession had been the bane of national politics. The Air Marshal said he wished to disclose that Chaudhri Mohammad Ali who had manipulated the succession of Mr. Ghulam Mohammad was "today a close confidant of General Zia-ul-Haq". He, however, paid compliments to Chaudhri Mohammad Ali for his role in the Pakistan Movement and his ability as a civil administrator.*

Natural as these political reactions were, the plain fact was that in the absence of an elected legislature in the country the new President could not have been chosen in the manner prescribed by the Constitution. Then while the period of constitutional deviation lasted, the responsibility for the choice was inevitably that of the Chief Martial Law Administrator. As he said, "technically and legally", his own appointment was "the least controversial course". A void had to be filled, and the existing conditions of divisive rhetoric and the remorseless trend towards polarisation imposed their own imperatives on the CMLA and almost made the choice for him.

The interregnum beginning July 5, 1977 being what Mr. A.K. Brohi described as "a new legal order" the CMLA's word was all that one could have, and considering that he was almost endlessly reiterating his commitment to the restoration of democracy, there was really no reason to see in his assumption of additional ceremonial functions an ill omen for democracy or an intention to resile from the pledge to hold free and fair elections for the transfer of power to the people's representatives (The Constitution of 1973 envisaged the President as a figurehead with no real power, all of which was vested in the Prime Minister).

Similarly, when the President amended the relevant electoral laws to provide for separate electorates, the reaction was mixed. Leaders like Maulana Shah Ahmad Noorani hailed the decision as "a right step in the right direction". The PPP and NDP were opposed to the change. Leaders of the Tehrik sensed a "strong suspicion" among the people that "the amendment in the mode of election was designed to delay the elections further" (Admiral (Retd) Muzaffar Hasan, Chairman, Tehrik-i-Istaqlal, Karachi, Sept.24).

Note:— *The late Chaudhry Mohammad Ali was the first Federal Secretary to be elevated to the rank of Secretary-General.

Meanwhile a mini storm had been brewing in the Muslim League, the largest remaining component of the PNA. This was really nothing very extraordinary, for it had been the fate of the League to lurch from crisis to crisis, and the history of its post-freedom years is replete with souvenirs of broken bonds and shifting loyalties, with fractious dissidents becoming symbols, if not indeed epitomes of political dishonesty and irrelevance.

Professor Gunnar Myrdal, in his famous series of continental "Dramas", had made a perspicacious comparison of the Pakistan and Indian experiment with democracy:" ...Islam is egalitarian and in its higher manifestations has traits of rationalism that should permit it to be integrated more readily with modernisation ideals than, for instance, Hinduism in India". But while in India the tradition of disciplined political co-operation had been relatively more firmly established and the Congress Party was able to lend the necessary initial momentum to the building of a constitutional structure on the inception of independence, the Muslim League quickly squandered the capital of values and principles as a well-knit, cohesive national organisation during the freedom movement under the unique leadership of the Quaid-i-Azam. But very soon after his passing, the Lilliputians held together by his commanding presence began to come apart and started ratting on the slightest temptation or threat. As columnist A.T. Chaudhri said, the sordid infighting and unabashed opportunism "remind one of Sir Henry Maine's State of Nature' in which men climbed over one another's shoulders to attain their fullness".

"In the latest instance it was a multi-pronged battle that was raging in and around the PML fold -- the President versus the Secretary-General, the Party caucus versus the Federal Cabinet, the Pro-Pagaro Sind and Baluch factions versus the anti-Pagaro Punjab and Sarhad groups, and in a way the official PML versus the residual PNA........and the division had cut deeply into the rank and file, into all tiers ranging from the primaries at the bottom to the Working Committee at the top.....

It was not a question of dissent, of the conflict of ideas which is natural and may lead to a deeper analytic perspective on vital issues. It was mainly a clash of personalities and the party bosses were "working overtime to shorten each other by the head".

The League split posed a vexing problem for the PNA: which faction to be given accreditation? Then, as noted in the earlier pages, it was the Jamaat-i-Islami which had pressurised the PNA leadership to condone the League's unilateral offer to join in the interim government without waiting for the Alliance to work out a more honourable basis for co-operation. But very soon the Jamaat and the League were pitted against each other. To confound the situation still further, quite a few Federal Ministers who had been nominated by Pir Pagaro in the teeth of opposition from the rival Qasim group were now lined up with the latter in a bid to oust the Pir from the top position.

Bad as the rift was for the League and the PNA, it also highlighted an important facet of the problem of political consolidation in a crucial period in the country's history: the ability (or lack of it) of putative political leaders to rise above petty personal feuding and call forth from some yet uncorrupted core of their being the energy and the idealism for constructive political and social change.

Efforts to heal the rift in the Muslim League were spread over several months. Besides the PNA Chief, Mufti Mahmud two of the President's top aides, Lt. General F.A. Chishti and Major-General Mohammad Arif had a series of separate meetings with the leaders of both the factions. Hopes were frequently raised that the conciliatory efforts were going to be fruitful, but the impasse continued.

On October 16 the President issued an Ordinance prohibiting the formation of political parties which may be opposed to the Islamic ideology or security of Pakistan or morality and maintenance of public order, or be foreign aided.

A foreign-aided party would mean the one that had. been formed or organised at the instance of any government or political party of a foreign country, or was affiliated to or associated with, any foreign government or party, or received any portion of its funds from foreign nationals.

The ordinance made certain amendments in the existing Political Parties Act of 1962. Foreign interference – sometimes overt, often covert – has always been a factor in the country's political life, and the Political Parties Act of 1962 was calculated to contain such interference within manageable limits, even if geopolitic and economic realities made

it virtually impossible to prevent such foreign intrusions altogether. The new Ordinance was intended to plug some of the loopholes in the existing Act and make it a more effective instrument to guard against foreign instigated subversion. The rumpus later raised by some of the politicians over this amendment was altogether misplaced and misconceived, though perhaps a case could be made for some minor changes in the provisions of the new Ordinance. Unquestionably, however, the main thrust of the legislation was in no way illiberal or anti-democratic.

General Zia-ul-Haq was also quite clear that constitutional guarantees would be provided against any political party preaching sectarianism or acting against the ideology of Pakistan. As to the theory of four or more nationalities the President categorically declared that Pakistanis were only one nation. Then and since there has been a lot of quibbling about the term 'ideology of Pakistan' which, the General had again and again said, is the central sustaining element in national life and must provide the positive national vision for the country's politics. Apostles of regionalism and parochialism, as well as those who would fain have the country's Islamic inspiration replaced by a philistine and alien secularism, have gone to the length of saying that the term is so obscure as to be almost un-understandable and irrelevant to the contemporary concerns of national politics. The unadulterated truth is that the term proclaims the ideological basis of Pakistan, which is Muslim nationalism, which debunks any over-riding claims of a parochial or regional origin, while at the same time it protects and promotes the integrity of linguistic, regional or other particularistic aspirations.

Because of a peculiar turn of events, General Zia-ul-Haq had assumed the responsibility of holding and using power. Linked to this responsibility was the obligation to be responsive to the will and purpose of the people, made manifest during the massive movement against a corrupt and repressive regime. If he was to remain true to his commitment, he could not allow that will and that cause to be traduced by the false reasoning and self-serving cliches of political adventurism. That is why his repeated emphasis on Islam and the ideology of Pakistan, which alone could provide an enduring basis of national unity and purpose.

Unfortunately the experiment with the national government, comprising PNA nominees was not producing the

desired results. Among the 'outs' there was a deep suspicion that the parties associated with the government were using Islam and democracy as merely the protective cover for lower interests and lesser values. The Tehrik Chief, Mr. Asghar Khan, was saying that the PNA men in the Cabinet were "not interested in enforcing the Islamic system and were using it as a slogan to befool the people to catch their votes". Maulana Shah Ahmad Noorani of the JUP was making similar charges, and the NDP Chief, Mr. Mazari was bitterly critical of PNA men joining the Cabinet without obtaining a popular mandate.

Both the last-named leaders were also strongly opposed to the PNA demand for the formation of provincial governments and the nominations to local bodies. In a meeting with the President Maulana Noorani expressed the view that the setting up of civil Cabinets in the provinces and nominations to local bodies would "cause countrywide chaos and no patriotic Pakistani would be able to bear it".

On their part the PNA Minister and the Alliance Chief late Mufti Mahmud were claiming that the parties in the PNA had put their entire political career at stake and extended co-operation to the Military regime only to put the country back on the path of democracy, to organise the general elections at the earliest and enforce the Islamic system or at least take some initial steps in that direction.

In a TV interview, Professor Ghafoor of the Jamaat-i-Islami said that the PNA had taken political risks in the larger interest of the country, and even if the political future of certain individuals or parties was exposed to jeopardy to pull Pakistan out of the mire, the parties and individuals could be easily sacrificed for the sake of the country.

The Alliance Chief, late Mufti Mahmud said that the PNA would abandon its co-operation with the Martial Law government if the latter failed to enforce Islamic laws from the 12th Rabiul Awwal (the date projected by the President for announcement of initial measures towards Islamisation) or was hesitant to hold the general elections by October 1979. In his presidential address to the All Pakistan Nizam-i-Mustafa Conference organised by the Ulema Council, Lahore, December 29, late Mufti Mahmud urged the people to give the PNA some more time. He said that some people thought that the Martial Law Government should concentrate only

on the restoration of democracy and hold elections, leaving the enforcement of the Islamic system to the next representative government. Disagreeing with this view he said that he would welcome anyone who come forward to do this job (Islamisation).

Speaking on another occasion late Mufti Mahmud recalled that all the like-minded parties had formed the PNA and unitedly launched a historical and successful movement for the removal of the 'atheistic and dictatorial regime of the PPP. He expressed the feat that if all the like minded parties including those that had left the PNA, did not assemble on one platform, the PPP would again create a difficult situation "for us, as it had created in the 1970 elections".

Late Mufti Mahmud expressed his satisfaction over the PNA's co-operation with the military government, as "it had brought the goal of democracy and introduction of Nizam-i-Mustafa in sight". He said that Islamic laws were being framed, and some of these would be introduced on 12th Rabiul Awwal (birthday of the Holy Prophet), as already announced by President Mohammad Zia-ul-Haq.

The Alliance Chief made an avuncular personal appeal to reason and a call to the disaffected to return to the fold and end the high-profile squabbling. But most politicians seemed unable or unwilling to leave the narrow ground of partisan politics. The exchange of accusations and counter-accusations between the parties was tending to provide little more than an overpowering dissonance and discord in which the issues were becoming irreconcilable.

Leaders like Mr. Abdul Wali Khan of the NDP, Nawabzada Nasrullah of the PDP., and Malik Qasim of the Muslim League (Chattha group) revised their suggestion for an all-party round table conterence to discuss the main issues. There were few signs, however, that a respectable consensus was about to emerge. The political horizon continued to be grey, and looming over the whole political situation was the fate of the former Prime Minister whose appeal against the death sentence was being heard by the Supreme Court.

Mufti Mahmud had more than once bluntly acknowledged the fact that the PPP remained a force to reckon with. Others may not have been so candid, but lurking under their sub-conscious, though outwardly aggressive, assertions of

mass following was certainly the fear that harsh combats still awaited them, harsher if the former Chairman of the PPP was freed to resume command of his forces and helped to split the opposing vote even wider than in 1970.

While the political landscape was complicated and highly nuanced, there were other imperatives on both domestic and international fronts to claim the regime's attention. Most pressing was the need to overcome the acute economic crisis. The focus in the immediate sense had to be on financial discipline; holding down governmental spending, reducing budgetary deficits, which had over the years created serious distortions and exacerbated social tensions.

One of the formidable challenges was also to translate Islamic postulates into acts of policy: the question of Zakat and the nature of an interest-free financial system. But this was necessarily to involve structural changes and could only be a long-term objective. The more compelling need was that of economic restoration, combating administrative graft and corruption, tax evasion and unethical business practices.

Because of the indiscriminate nationalisation, during the PPP regime, the private sector had been scared away from productive investment. It was the Government's task to reassure private enterprise and encourage its optimum participation in the development effort without allowing it to revive its exploitative role. President Zia-ul-Haq's Government sought to outline a constructive and socially responsible role for the private sector. Along with that the new economic strategy was also designed to correct the situation created by the previous government's heavy and uncoordinated commitments in the public sector and to improve the performance of its industrial and commercial agencies, so as not only to attain their physical targets but also to generate sufficient resources to meet at least part of their investment requirements.

From the year 1977-78 there appeared an upward trend in the main economic indicators. Government's policies of subsidising fertilizer, plant protection and tubewells as well as ensuring remunerative prices for growers contributed significantly to the output gains in agriculture.

The manufacturing sector long harried by uncertain

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CHAPTER XIX

BALUCHISTAN

Another politico-economic problem inherited by the Zia Government from its predecessor was Baluchistan. Turbulence in neighbouring areas further complicated the problem demanding the regime's sustained efforts to restore normalcy and stability.

Baluchistan is a vast stretch of arid and rugged wilderness whose landscape shelters a diverse people. For decades its brave and sturdy inhabitants have lived in virtual isolation from the main-stream of social and political developments in the South Asian subcontinent. They have suffered the repressions and denials of an oppressive and primitive tribal system.

Even after the creation of Pakistan, this largest province (Area: 134,052 square miles; population: Two and a half million, according to the 1972 census) suffered from neglect. Successive governments failed to level up the disparities of development between this and other areas of the country. Neither was there in evidence leadership with the vision and integrity to resolve the tensions created under colonial rule by the confllict of alien and indigenous cultures, or replace regional and cultural polarities by a close national integration

In more recent years, particularly since the Constitution of 1973 gave full provincial status to Baluchistan, the hope had arisen that the province would get its due share, and policy decisions in accordance with the letter and spirit of the Constitution would lead to constructive change for the

elevation of the many. But that was not to be. Though Mr. Bhutto initially allowed the NAP Government headed by Governor Ghous Bux Bizenjo to be installed in Baluchistan, it soon became apparent that he would not allow it to function freely in accordance with the Constitution.

On July 5, 1977 when the Chief of the Army Staff, General Mohammad Zia-ul-Haq assumed power, it was the beginning of a new era of reconciliation for Baluchistan. Political vengeance came to an end, and the Martial Law government took positive steps to settle political issues through political means. A general amnesty was announced, and the Government declared its determination to extend all possible help for the rehabilitation of those who had suffered during the period when Baluchistan had become the cockpit of contestant political ambitions.

Besides political reconciliation the military regime mobilised resources to accelerate the pace of development in Baluchistan. The Annual Development Plan was revised and enlarged to ensure that development leads to improvement in the quality and substance of life for the whole community and not create pockets of affluence in the middle of surrounding poverty and ignorance.

A cardinal element in the new strategy of development was the focus on rural population. Since the province had been faced with a chronic shortage of water, a major portion of the development budget went to alleviating the difficulties caused by this geographical phenomenon. These included water supply schemes, feasibility studies of major projects, flood restoration works, sinking of tubewells and procurement of machinery. During a visit to Sibi in February 1978 General Zia-ul-Haq announced a five-year tax holiday for new industries to be set up in Baluchistan.

In the whole field of development activity in Baluchistan, the Pakistan Army has made a magnificent contribution. As in the Northern Areas and Azad Kashmir, the Army has been a potent instrument of socio-economic change in Baluchistan. Here they were confronted with formidable problems of logistics, in a region where temperatures ranged between 125 degrees Farenheit in summer to six below zero in winter. Labour had to be procured and road-building materials and equipment transported to some of the world's

most hazardous mountain tracks. In the initial stages, equipment and even water had to be flown in by hellicopters. But the Army engineers and jawans proved their mettle and completed the assigned task on schedule.

When the current projects are completed the Army personnel would have built nearly 700 miles of roads, 73 bridges, 100 causeways and two tunnels linking all the important places of the Marri-Bugti region with the rest of the country. The major roads built by the Army have slashed distances and opened up hitherto inaccessible areas.

Road-building, however, has been only one though a vitally important aspect of the Army's contribution to the development of infrastructure in Baluchistan. Setting up schools, hospitals and dispensaries, installing electric generators, sinking tubewells, setting up community centres and providing Army instructors for the newly opened schools where local teachers were unavailable – these have been some of the tasks accomplished by the dedicated men of the armed forces with superb endurance and professional skill. In a very real sense they have been the architects of a revolution in the benighted regions of Baluchistan, putting their idealism, energy and trained competence into the service of the nation.

Baluchistan has enormous economic potential. But it has suffered from neglect for decades. The province's own revenues together with its share of Federal taxes are not even enough to meet its own non-development expenditure on administration and foodgrain subsidy. With the transference of royalty and excise duty on Sui Gas to the province's account, its revenues have gone up, but there is still a deficit left of several hundred million rupees, which will continues to be met by the Federal Government.

Essential as development is, the political problem of Baluchistan was more complex; and though the Centre-Province conflict of authority has deeper and more ancient origins than the PPP regime, it was the latter which gave it a particularly ugly turn and left deep scars on the psyche of the people and disillusioned its political leaders who had put their faith in the Constitution of 1973 as the framework for a more equitable power-sharing and the optimum assertion of their democratic rights. But the PPP government's arbitrary actions and finally the army crackdown on the insurgency had left a trail of bitterness and hostility. It was General Zia-ul-Haq's task to administer the first stages of

the remedy and by defusing the situation start a process of reconciliation which, of course, would take its own time. Soon after assuming power he found that what led to the Hyderabad tribunal was questionable and the Army had been unconscionably involved in crushing the Baluch opponents of the PPP regime. Dissolution of the Hyderabad tribunal and declaration of a general amnesty had the immediate effect of recreating the climate and circumstance in which talks could be held to sort out the long-festering issues.

President Zia-ul-Haq has made extensive and repeated tours of the vast area that had suffered during the four years of turbulence and disorder. He has met a widely representative cross-section of influential opinion, and a series of important steps have been taken to promote the welfare of the people and rehabilitate those affected in various ways during the fratricidal campaign.

Ethnic groupings and competing personal ambitions of hereditary chieftains seeking political legitimacy have produced contrary pulls, and the dramatic changes in neighbouring regions tend to aggravate the existing divisions. Over and above and transcending the local discords is a pervasive consciousness in Baluchistan that as a unit of the Federation it has remained somewhat less equal than the others. This feeling of being cheated out of its rightful share in decision-making – extremists call it 'disenfranchisement' – is real and often makes itself manifest in an inward-looking regionalism and ethnocentricism. That, in sum, is the political problem of Baluchistan, and it will be one of the principal concerns of the Federal Government.

No other head of government had assumed office with a grimmer inheritance than President Mohammad Zia-ul-Haq. As noted in the earlier part, the economy was in a shambles, the scandalous prostitution of the rule of law had gravely undermined the prestige and credibility of the institutions of government, and the country's international stock was lower than ever.

General Zia-ul-Haq had intended to be a caretaker, navigating the country through the crisis of confidence. He and his companions had given themselves 90 days to lessen political tensions, assuage turbulent emotions, hold free and fair elections and hand over power to the elected representatives of the people. As it turned out, the country's predicament required something more than a caretaker administra-

tion.Obviously the miliatary leaders had not reckoned with the contingencies and inscrutability of politics, which made the country largely a "terra incognita" for their straight, aspiring minds. They had quite clearly underestimated the magnitude and complexity of the managerial problem; and the original time schedule had to be unavoidably extended.

During the period since July 5, 1977, the military government has played a much more positive role than it had foreseen or what had been generally predicted for it. They have reanchored Pakistan to its ideological moorings and thus provided the most essential condition for political stability.

After years of decline and drift, betrayal and bemusement with false choices, the nation has finally taken on a new image. The introduction of the first major steps towards the Islamic transformation of society in Pakistan have restored the nation's confidence and recreated pride in its Muslim identity.

It has been the military regime's task to clean up the mess *so that politics can have a significant injection of intellect and conscience.* One of the priorities of the present Government was also to depoliticise the bureaucracy, restore its morale, correct its self-serving intransigence and transform it into a properly functioning national administration possessed of independence and integrity.

On the economic front, vital to a steady and stable national polity, the interim regime has set in motion policies that are calculated to bring necessary changes in the country's traditional social and economic patterns. They had inherited a wreckage of democracy, with the fabric of the State corroded to its very foundations; and it is against the background of that sad inheritance that the military rulers' efforts to reconstruct political and economic stability must be viewed.

As for the President's decision to reject the mercy pleas on behalf of Mr. Bhutto and let him pay the forfeit of his life, the present writer trying to piece together fragments of current history has to go solely by impressions and images. Being still too close to the events and emotions of that critical phase in national life, one can hardly escape the bias of ones own perspective and describe events in their whole context. Impressionistically, the General's decision was

inspired by a sense of positive vocation and affirmative national purpose. Had he wanted Mr. Bhutto's head for any of the personal reasons imputed or insinuated by critical observers, there was nothing to prevent him, as he told a foreign interviewer, from killing as many people as he liked in the initial phase of the military intervention.

He did what he did to uphold the supremacy of the law, and he did not allow his determination of the national interest to be swayed by considerations of adverse publicity abroad. His decision was taken at "the tragic point at which the exercise of power is a moral activity". He had to eliminate the personal element from the perspective and act in accordance with the dictates of a heretofore uncreated national conscience.

* * *

CHAPTER XX

'FAIR TRIAL..........

When General Zia-ul-Haq intervened on July 5, 1977, the country had been through a scandalous violation of the rule of law and ruthless repression. There were many who felt that the indignities which the ousted regime had heaped upon the nation called for a trial on the Nuremberg model. There was a plethora of cases against the former Prime Minister and his Cabinet or party colleagues. Justice demanded that none of them should be deemed to be guilty unless so proven in an open trial by a duly constituted court of law. The Chief Martial Law Administrator reversed his earlier decision to try the accused in military courts.

The Mohammad Ahmed Khan murder case, in which Mr. Bhutto was convicted had been filed by a common citizen in 1974 and came up for hearing in 1977. The Government played no role in it except the present, on demand from the court, the findings of its own investigations.

The case against Mr. Bhutto was heard in the common law tradition by the Lahore High Court. It was an open trial, with all the newspapers local and foreign being free to report the proceedings. The intention had been to ensure that the requirements of due process were fully met. Section 352 of the Criminal Procedure Code provides for holding a trial or part of a trial in camera if in the opinion of the court that is necessary to bring out the truth and do justice. That was done by the Lahore High Court, and it was the prosecution's case that this was perfectly fair and justified, while the defence contended that this was an illegality. In any case, the part recorded in camera by the Lahore High Court was sent to the Supreme Court for its own independent scrutiny.

The case started on September 24, 1977, and it took seven months at the Lahore High Court. The hearing of the appeal in the Supreme Court began on May 20, 1978, and it took the full court another seven months to hear the criminal appeal, step by step, chapter by chapter, issue by issue. There was hardly a judicial principle touching on the administration of justice and the holding of criminal trials that had not been discussed and debated during that period.

The interpretation and application of the Criminal Procedure Code, the Pakistan Penal Code and the Evidence Act were keenly contested by both sides, with references to the cases decided by the Privy Council and the Supreme Courts of India and Pakistan, together with the commentaries written by legal authorities of international repute.

The judges closely examined every aspect of the law with meticulous care to get a clear and complete picture. They even witnessed a firing demonstration to satisfy themselves on how the empties behaved when a particular type of gun was fired. The issue had arisen and become crucially contentious, with both the prosecution and the defence insisting on mutually contradictory possibilities, having a direct bearing on the commission of the offence.

The Supreme Court is the highest judicial authority in the land and custodian of the Constitution. It has the prerogative, and power to vitiate any proceedings which do not accord with natural justice, and natural justice requires judicial activities to be carried out in good faith, so that there is no departure from the standard of even-handed justice and the process of law is not allowed to be used for any collateral or extraneous purposes or as an instrument of political or any kind of oppression.

The defence counsel and Mr. Bhutto in his own submission had alleged bias on the part of the Lahore High Court. The Supreme Court examined the charge in detail, and its verdict showed with close and eloquent reasoning that the alleged bias or likelihood of bias did not in any way vitiate the criminal trial.

Considering Mr. Bhutto's position as former head of Government facing a capital charge, the Supreme Court gave him special permission to appear personally, so that he

had every opportunity of trying to exonerate himself or point out technical or other flaws in the High Court proceedings.

At the outset and subsequently on several occasions, Mr. Bhutto said he had full confidence in the Supreme Court, and he was grateful that he had been given the opportunity to address the judges personally, although he was represented by a counsel. Mr. Bhutto said he wanted justice to be done and his innocence should be established. When he asked how much time would be allowed him, the Chief Justice assured him that the Court was prepared to hear him as long as he liked, provided he was relevant.

On December 21, 1978 when Mr. Bhutto concluded his arguments, the Court observed that it would make every humanly possible endeavour to decide the case on the basis of the record and arguments made before it on behalf of both sides. Mr. Bhutto said that he bowed to the observation of the Court, and that he was morally convinced that he had been fully heard.

A great deal has been written in sections of the Western Press to give the trial a political colour, cast aspersions on the independence and integrity of the country's judiciary and to vilify the Zia regime as vengeful. That there were political reverberations of the case is not the same thing as saying that it was a political question. The Supreme Court considered it as a judicial case, whatever its political implications might be. The Court had gone to the very length of reason, even generosity, in its anxiety to ensure that the right of the accused to be heard was in no way abridged, let alone denied. The trial was unimpeachably fair and fully in accordance with the universally recognised principles of jurisprudence.

The fact has been attested by a host of impartial international observers, including jurists and professors of law at prestigious universities, who have personal knowledge of, and respect for, the calibre and integrity of the higher judiciary in Pakistan. Many of them had occasion at first hand, to witness the proceedings of the murder case against Mr. Bhutto. To quote one of them -- Professor William Boyer of the University of Delaware, "...I have long held a high respect for the independence and fairness of the courts of Pakistan. Once again, in the Bhutto case, Pakistan's judiciary has upheld the rule of law....."

The Supreme Court gave its judgement on February 5, 1979, rejecting Mr. Bhutto's appeal and upholding the death sentence passed by the Lahore High Court. Thereafter a review petition was filed on the ground that after the pronouncement of the judgement by the Supreme Court, "some more evidence, not available to, or in the knowledge of, the petitioner/appellant before, is likely to be made available in the next few days'! The new evidence – it was argued – "would materially affect the majority judgement of the Court and findings given therin"

The review petition running into 97 pages contended that there were "errors apparent" on the face of the judgement, "numerous grave and serious instances of misreading of evidence on the record", misappreciation of facts and misapplication of law, resulting in a grave miscarriage of justice and several instances of "conflicting findings of facts"

The petition said that the majority judgement was not only in conflict with the judgements of three other judges, but also contrary to a long series of precedents of the superior courts of the country.

The petition further said that "the majority judgement had rendered negatory and in effect done away with the cardinal principle of the administration of criminal justice that the prosectuion must prove its case beyond all reasonable doubt '

The petition prayed that the Court be pleased to review its majority judgement and set aside the appellant's convictions and sentences"

The hearings of the review petition started on February 24, 1979, and on March 24, 1979 the full bench of the Court presided over by the Chief Justice, Mr. Justice S. Anwarul Haq, unanimously dismissed the petition.

The legal process was thus brought to an end. However, the main judgement written by Mr. Justice Mohammad Akram and concurred by the Chief Justice and two other judges emphasised that "although we have not found it possible in law to review the sentence of death on the ground urged by Mr. Yahya Bakhtiar (defence counsel), yet these are relevant for consideration by the executive authorities in the exercise of their prerogative of mercy"

The main judgement said that the errors and omissions pointed out by the defence counsel were found by the Court to be of inconsequential import, having no material bearing upon the fundamental and essential conclusions reached in the majority judgement as to the guilt of the petitioner, on the various counts on which his convictions have been upheld, as well as on the question of sentence"

On the question of sentence, the judgement said that the convictions and sentences upheld against the petitioner were not "errors apparent" on the face of the record and thus did not constitute a valid ground for review. Nor was there any rule of prudence or of law that in the event of a difference of opinion among the judges, the sentence, though legal and imposed after due consideration of the relevant circumstances, should be reviewed for this reason alone.

During the pendency of the review petition, Mr. A.K. Brohi, the Federal Minister for Law and Parliamentary Affairs was interviewed (February 27, 1979) by the Editor of London weekly, 'Impact' about the domestic repercussions expected as a result of the Supreme Court decision and the apprehension expressed by Western states that Pakistan might possibly disintegrate in case Mr. Bhutto was hanged.

The Minister said that there would be possibilities of a lot of chaos and complications if the decision of the highest court of the country in respect of Mr. Bhutto was not given it due effect.

The Minister said that he failed to understand precisely the reasons why so much concern was being shown in Britain on the decision of the Supreme Court. "So far as the impact of the decision on the external world is concerned, we will leave it to those who are qualified to judge it to draw their own inferences, but in Pakistan this decision is of a binding value".

Mr. Brohi said that the fact that somebody had been a Prime Minister was inconsequential in the eyes of the law, and far from this being an extenuating circumstance, in the judgement of the Lahore High Court it was argued *as a circumstance that exaggerated and enhanced the graveness of the charge.* He added: Whether Pakistan would or would not be put into jeopardy merely because a sentence pronounced by the highest court of the country has been carried out

is a *matter which only the administration is capable of deciding.*

President Mohammad Zia-ul-Haq decided that this was not a fit case for the exercise of his prerogative of mercy and that the law must take its own course.

Mr. Zulfiqar Ali Bhutto went to the gallows at 2 a.m. April 4, 1979 in Rawalpindi District Jail. An official handout released later in the day said that his dead body was flown in a special aircraft from Rawalpindi and handed over to the elders of the family who buried him after Namaz-i-Janaza in the ancestral graveyard at Garhi Khuda Bakhsh near Nau Dero, Larkana at 10.30 a.m. in accordance with the wishes of the family.

* * *

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